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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10308

IMPROVING THE MEANS FOR OBTAINING COMPLIANCE WITH THE NONDISCRIMINATION PROVISIONS OF FEDERAL CONTRACTS

WHEREAS existing Executive orders require the contracting agencies of the United States Government to include in their contracts a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin and obligating him to include a similar provision in all subcontracts; and

WHEREAS it is necessary and desirable to improve the means for obtaining compliance with such nondiscrimination provisions:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, including the authority conferred by the Defense Production Act of 1950, as amended, and pursuant to the authority conferred by and subject to the provisions of section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691), it is ordered as follows:

SECTION 1. The head of each contracting agency of the Government of the United States shall be primarily responsible for obtaining compliance by any contractor or subcontractor with the said nondiscrimination provisions of any contract entered into, amended, or modified by his agency and of any subcontract thereunder, and shall take appropriate measures to bring about the said compliance.

SEC. 2. There is hereby established the Committee on Government Contract Compliance, hereinafter referred to as the Committee. The Committee shall be composed of eleven members as follows:

(a) One representative of each of the following-named agencies (hereinafter referred to as the participating agencies), who shall be designated by the respective heads of the participating agencies: the Department of Defense, the Department of Labor, the Atomic Energy Commission, the General Services Administration, and the Defense Materials Procurement Agency.

(b) Six other members, who shall be designated by the President.

The Committee shall have a chairman and a vice-chairman, both of whom shall be designated by the President from among its members.

SEC. 3. The Committee is authorized on behalf of the President to examine and study the rules, procedures, and practices of the contracting agencies of the Government as they relate to obtaining compliance with Government contract provisions prohibiting the discrimination referred to above in order to determine in what respects such rules, procedures, and practices may be strengthened and improved. The Committee shall confer and advise with the appropriate officers of the various contracting agencies and with other persons concerned with a view toward the prevention and elimination of such discrimination, and may make to the said officers recommendations which in the judgment of the Committee will prevent or eliminate discrimination. When deemed necessary by the Committee it may submit any of these recommendations to the Director of Defense Mobilization, and the Director shall, when he deems it appropriate, forward such recommendations to the President, accompanied by a statement of his views as to the relationship thereof to the mobilization effort. The Committee shall establish such rules as may be necessary for the performance of its functions under this order.

SEC. 4. All contracting agencies of the Government are authorized and directed to cooperate with the Committee and, to the extent permitted by law, to furnish the Committee such information and assistance as it may require in the performance of its functions under this order. The participating agencies shall defray such necessary expenses of the Committee as may be authorized by law, including section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691).

HARRY S. TRUMAN

THE WHITE HOUSE,
December 3, 1951.

[F. R. Doc. 51-14550; Filed, Dec. 5, 1951; 10:12 a. m.]

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FEDERAL REGISTER

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EXECUTIVE ORDER 10309

RESTORING POSSESSION, USE, AND CONTROL OF CERTAIN LANDS RESERVED FOR MILITARY PURPOSES TO THE TERRITORY OF HAWAII AND TRANSFERRING TITLE TO SUCH LANDS TO THE TERRITORY

WHEREAS a tract of land at Kaakaukukui, Honolulu, Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation

of July 7, 1898 (30 Stat. 750), was reserved for military purposes by a series of Executive orders (enumerated in Executive Order No. 5487 of November 14, 1930) describing the Fort Armstrong Military Reservation; and

WHEREAS an additional tract of land which forms a part of the public land ceded and transferred to the United States by the Republic of Hawaii under the said joint resolution of annexation was set aside for addition to the said reservation by Executive Order No. 864 of October 13, 1939, of the Governor of the Territory of Hawaii; and

WHEREAS that portion of the Fort Armstrong Military Reservation described in Part I of this order is needed by the Territory of Hawaii for a harbor-improvement project; and

WHEREAS it is deemed desirable and in the public interest that the possession, use, and control of the said portion be restored to the Territory of Hawaii, and that title thereto be transferred to said Territory:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

PART I

Upon the fulfilment of the conditions precedent specified in Part II of this order and the certification thereof by the Department of the Army as provided in such Part, and without further act, the possession, use, and control of the two following-described tracts of land comprising a portion of the Fort Armstrong Military Reservation, Honolulu, Oahu, Territory of Hawaii, shall be restored to the Territory of Hawaii, and title to the said tracts shall be transferred to the said Territory:

TRACT NO. 1

Beginning at a lead plug at the west corner of this piece of land, on the southeasterly side of Channel Street, the coordinates of said point of beginning referred to Government Survey triangulation station "Punchbowl" being 4,412.22 feet south and 5,678.39 feet west, thence running by azimuths measured clockwise from true south:

1. 219° 00′ 00″ 154.09 feet along the southeasterly side of Channel Street; thence along Channel Street, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being;
2. 264° 00′ 00″ 28.28 feet;
3. 309° 00′ 00″ 172.16 feet along same, along U. S. Immigration Station;
4. 38° 48′ 30″ 270.86 feet along the remainder of Tract No. 1 of Fort Armstrong Military Reservation;
5. 128° 48′ 30″ 25.98 feet along U. S. Public Health Station (Public Law 105, 81st Congress, dated June 16, 1949);
6. 218° 58′ 20″ 96.70 feet along same;
7. 129° 03′ 00″ 167.01 feet along U. S. Public Health Station (Public Law 105, 81st Congress, dated June 16, 1949) to the point of beginning and containing an area of 35,932 square feet or 0.82 acre.

Excepting and excluding from the above-described property the land which was transferred to the control and jurisdiction of the Secretary of War (now Secretary of the Army) by letter of the Secretary of Labor (Immigration Service) dated December 16, 1939, pursuant to the act of Congress approved August 5, 1939, 53 Stat. 1209, and containing 6,920 square feet or 0.16 acre.

TRACT NO. 2

Beginning at the west corner of this piece of land, on the southeasterly side of the Honolulu Harbor Line, the coordinates of said point of beginning referred to Government Survey triangulation station "Punchbowl" being 3,930.19 feet south and 5,637.61 feet west, thence running by azimuths measured clockwise from true south:

1. 219° 00′ 214.12 feet along the Honolulu Harbor Line;
2. 279° 46′ 116.48 feet;
3. 322° 20′ 198.34 feet along a fence to concrete monument No. 1;
4. 39° 00′ 224.88 feet along the northwesterly side of Channel Street to a brass plate;
5. 129° 00′ 294.63 feet along Channel Street, along Pier No. 2, and passing over brass plate No. 3 at 192.99 feet, to the point of beginning and containing an area of 72,432 square feet or 1.66 acres.

PART II

1. The Territory of Hawaii shall replace the existing bakery and that portion of the warehouse (combined Buildings T–28 and T–29) located on the land described in Part I hereof by remodeling and increasing the capacity of the existing bakery at the Schofield Barracks Military Reservation.

2. The Territory of Hawaii shall completely raze the existing warehouse (combined Buildings T–28 and T–29) and remove all debris.

3. The Territory of Hawaii shall relocate all Department of the Army utility lines running through the site of the proposed Territorial Pier 2 Expansion Project and shall grant perpetual easements for all such utility lines as relocated.

4. The Territory of Hawaii shall replace the existing boundary fence and gates by erecting a new fence along the revised boundary, with entrance driveways and gates as required by the Department of the Army.

5. The Territory of Hawaii shall replace the Honolulu District Engineer's Boathouse now located at Pier 2A by constructing a new boathouse at Pier 1, the boathouse area to be inclosed with steel sheet piling or equivalent protection against the open sea.

6. The Territory of Hawaii shall make the necessary alterations in the present Post Exchange and Cafeteria Building located on Fort Armstrong Military Reservation to accommodate the District Engineer Laboratories now located at Pier 2A.

7. The Territory of Hawaii shall replace the remaining facilities now located at Pier 2A by constructing an office and armory building at Fort DeRussy Military Reservation.

8. The Territory of Hawaii (and not the Department of the Army) shall make any arrangements that may be necessary with the General Services Administration (as to property occupied by the Public Health Service) or the Department of Justice (as to property occupied by the Immigration and Naturalization Service) with respect to any rights or interests in any lands now under the jurisdiction of the said Administration or Department affected by the proposed Territorial Pier 2 Expansion Project.

9. None of the above-described construction of new facilities or alteration of existing facilities shall be at the expense of the Department of the Army.

10. The Territory of Hawaii shall bear all expenses in connection with the preparation of final plans and specifications for the construction and alteration work outlined above; the plans and specifications shall be based on preliminary plans prepared by the District Engineer in conjunction with Headquarters, United States Army, Pacific, in May 1949, copies of which have been furnished to representatives of the Territory of Hawaii (except that preliminary plans for altering the Post Exchange and Cafeteria Building at the Fort Armstrong Military Reservation, furnished to the Territory of Hawaii in January 1950, shall be substituted for the earlier plans for replacement of laboratory facilities); final plans and specifications for each item shall be approved by the Department of the Army before the start of construction or alteration work on each item; and the order of priority of each item shall be subject to the joint approval of the Department of the Army and the District Engineer. At the request of the Territory of Hawaii, the Department of the Army, acting by and through the Commanding General, United States Army, Pacific, prior to final acceptance by the Territory of any item of work which has been performed under a contract between the Territory of Hawaii and any contractor, shall advise the Territory of Hawaii whether it concurs in such final acceptance.

11. Prior to the completion of all replacement Army facilities by the Territory of Hawaii, and prior to the restoration of the possession, use, and control of the lands and the transfer of title thereto from the United States to the Territory of Hawaii, the Territory may, if it so desires, request right-of-entry to proceed with the demolition of existing Army improvements or the construction of Territorial or Army facilities on the subject lands. Such right-of-entry shall be secured in writing from the Department of the Army by the Territory of Hawaii for each improvement to be demolished or constructed. The granting of any such right-of-entry shall be at the discretion of the Department of the Army, except as such right-of-entry is necessary to enable the Territory of Hawaii to complete the construction or demolition for the Department of the Army as described above. Whenever the demolition of any building or improvement on the subject lands is necessary to permit Territorial construction, either for the Territory of Hawaii or for the Department of the Army, and construction by the Territory of replacement Army facilities has progressed to a point where it is deemed to be in the best interest of the United States to do so, the Department of the Army may, at its discretion and upon written request from the Territory in each case, certify as to such partial fulfilment of the conditions specified in Part II of this order, and upon such certification possession, use, and control of such building or improvement and title thereto shall vest in the Territory.

12. The Territory of Hawaii shall commence construction and alteration of the said replacement facilities within

twelve months, and shall complete construction and alteration thereof within thirty months, from the date of this order.

13. The Territory of Hawaii shall not be called upon to furnish any operating equipment, appliances, or furniture in connection with the construction or alteration of replacement facilities but shall be responsible for installing any operating equipment, appliances, or furniture furnished by the Department of the Army and shall be responsible for furnishing and installing such standard furnishings and equipment (such as light fixtures, plumbing, locks, and washbasins) as are called for in the plans and specifications.

14. The Territory of Hawaii shall not be required to expend for the construction and alteration work outlined above (the intent and extent of which is covered, by reference, in paragraph 10), whether it be performed pursuant to approved final plans and specifications or pursuant to plans and specifications amended as set forth in paragraph 15, any sum in excess of $409,177, plus the cost of preparing plans and specifications. Subject to the foregoing limitation, the work contemplated shall be accomplished, and the cost thereof discharged, without further reference to the amounts set forth in the existing preliminary estimates as costs of the individual construction and alteration items comprising the overall project, and in case it is necessary to accomplish the intent with respect to one item savings on another or others shall be applied. But if the Territory of Hawaii shall have performed construction and alteration work in the amount of $409,177, in the approved order of priority of items and in accordance with approved plans and specifications as they may be amended, all as provided in this Part, the Territory of Hawaii shall be deemed to have completed all the work which the Territory is required by this Part to perform, irrespective of the amount of work actually accomplished.

15. The Territory of Hawaii shall furnish the Department of the Army monthly statements of expenditures for the said construction and alteration work to permit coordination of work placed and being placed with work not yet started, and the Department of the Army shall have the right to approve the schedule of such work and to amend plans and specifications, upon the giving of adequate notice.

16. When the Territory of Hawaii has completed to the satisfaction of the Department of the Army all the work which the Territory is required by this Part to perform, such work, except that which has already been accepted pursuant to the last sentence of paragraph 10 of this Part, shall be accepted by the Department of the Army, and when all such work has been accepted the Department shall so certify to the Territory of Hawaii. The Commanding General, United States Army, Pacific, shall represent the Department of the Army with respect to the acceptance of replacement facilities and certification that the conditions precedent set forth in this Part have been fulfilled, and with respect to any other matter covered by this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 3, 1951.

[F. R. Doc. 51-14551; Filed, Dec. 5, 1951; 10:12 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (52)-1, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, issued August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), is further amended as follows:

1. Section 701.323 (a) is amended by deleting the sentence immediately preceding "Maximum assistance," and substituting therefor the following:

§ 701.323 *Practice A-11: Managing crop residues to protect soil from wind or water erosion*—(a) *Practice A-11-a: Crop residue management.* * * * The $1-per-acre maximum to protect summer-fallowed land will apply to the total assistance under the 1951 and 1952 programs to protect the same acreage.

2. Section 701.332 (f) is amended by revising the second sentence to read as follows:

§ 701.332 *Practice B-1: Growing adapted green manure or cover crops for soil protection and improvement.* * * *

(f) *Practice B-1-f: Establishing biennial or perennial legumes and perennial grasses, or mixtures of such legumes with adapted grasses, for green manure.* * * * A good stand must be obtained and a good growth incorporated into the soil in 1952 or in the spring of 1953. * * *

3. Section 701.343 (a) is amended by deleting the sentence which reads "No assistance will be given if the county committee determines that any area of the ranch is overgrazed."

4. Section 701.344 is amended by deleting the sentence which reads "The practice will not be approved if the county committee determines that the area to be served by the development is overgrazed."

5. Section 701.356 is amended by revising the title of the practice, and by adding the following sentence immediately preceding "Maximum assistance":

§ 701.356 *Practice D-6: Constructing or enlarging dams, pits, and ponds for irrigation water.* * * * No assistance will be given for the excavation of pits for the interception of underground water.

6. Section 701.399 (a) (4) is amended to read as follows:

§ 701.399 *Applicability.* (a) * * * (4) farms outside the continental United States.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14473; Filed, Dec. 5, 1951; 8:50 a. m]

[1061 (P. R. 52)-1, Supp. 1]

PART 702—AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 Agricultural Conservation Program; Puerto Rico, issued August 31, 1951 (16 F. R. 9017), is amended as follows:

1. Section 702.203 is added under the heading "Control of Funds" as follows:

§ 702.203 *Allocation.* The amount of funds available for conservation practices under this program is $809,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 702.242.

2. Section 702.211 is amended by revising the title of the practice to read as follows: *"Practice 1: Applying ground limestone, or its equivalent, to farm land, except coffee groves, sugarcane land, and pasture and fallow land within sugarcane farms."*

3. Section 702.212 is amended by revising the title of the practice to read as follows: *"Practice 2: Applying superphosphate as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to the kinds of permanent pastures specified in the practice contained in § 702.-218, except pastures within sugarcane farms."*

4. Section 702.213 is amended by revising the title of the practice to read as follows: *"Practice 3: Applying potash as*

such, or contained in mixed fertilizer to the kinds of permanent pastures specified in the practice contained in § 702.218, except pastures within sugarcane farms."

5. Section 702.216 is deleted in its entirety.

6. Section 702.276 is amended by adding paragraph (q) as follows:

§ 702.276 *Definitions.* * * *

(q) "Sugarcane farm" means any farm that has sugarcane growing in 1952.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51–14471; Filed, Dec. 5, 1951; 8:50 a. m.]

[1061 (V. I. 52)–1, Supp. 1]

PART 703—AGRICULTURAL CONSERVATION PROGRAM; VIRGIN ISLANDS

SUBPART—1952

ALLOCATION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 Agricultural Conservation Program; Virgin Islands, issued August 31, 1951 (16 F. R. 9023), is amended as follows:

1. Section 703.103 is added under the heading "Control of Funds" as follows:

§ 703.103 *Allocation.* The amount of funds available for conservation practices under this program is $12,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 703.137.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51–14472; Filed, Dec. 5, 1951; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 608—DANGER AREAS

DANGER AREA ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.27, a Deblois, Maine, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEBLOIS (Lewiston Chart).	N boundary: lat. 44°50′00″ N; S boundary: lat. 44°40′00″ N; E boundary: long. 67°42′00″ W; W boundary: long. 67°56′00″ W.	Surface to 50,000 feet.	Daylight hours only.	Hdqs., 132d Fighter-Bomber Wing, Dow Air Force Base, Bangor, Maine.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 3, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–14442; Filed, Dec. 5, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 85 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

GENERAL LICENSE FOR GIFT PARCELS AND TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

1. Section 371.23 *General license for gift parcels* is amended in the following particulars:

a. Paragraph (b) *Definition* is amended to read as follows:

(b) *Definition.* The term "gift parcel" as used herein means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual or a religious, charitable, or educational organization in a foreign destination (the donee) for the use of the donee or the donee's immediate family in the case of an individual, and for use by the organization in the case of a religious, charitable, or educational organization.

b. Paragraph (c) *Commodity, weight, and other limitations* is amended as follows:

Subparagraph (4) *Weight limitations* is deleted therefrom.

Subparagraph (5) *Postal regulations* is renumbered subparagraph (4) *Postal, size, and weight limitations* and amended to read as follows:

(4) *Postal, size and weight limitations.* Gift parcels sent via parcel post under this general license shall conform with applicable Post Office regulations as to size, weight, and permissible contents. Gift parcels sent via air cargo or air freight are not limited as to size or weight by the provisions of this general license.

Subparagraphs (6) and (7) are respectively renumbered subparagraphs (5) *Other limitations* and (6) *Excluded destinations.*

This part of the amendment shall become effective as of November 29, 1951.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* for the Second Quarter 1952 is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES,[1] SECOND QUARTER 1952

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Metals and Manufactures [2]		
	Controlled Materials: [3] [4]		
	Commodities with processing code STEE	Dec. 1, 1951–Dec. 15, 1951.	
	Commodities with processing code TNPL	Dec. 5, 1951–Dec. 20, 1951.	
	Commodities with processing code NONF:		
	Aluminum and manufactures	Jan. 1, 1952–Jan. 15, 1952.	
	Copper and manufactures	Jan. 1, 1952–Jan. 15, 1952.	
	Copper base alloys and manufactures (includes brass and bronze).	Jan. 1, 1952–Jan. 15, 1952.	

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.3 (a) of this chapter.)

[2] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) and 374.3 (d) of this chapter), but are not applicable to petroleum project licenses (see § 398.8 (d) of this chapter).

[3] See § 398.5 (e) of this chapter for list of controlled materials.

[4] See § 398.5 (d) of this chapter for exception to these dates under certain conditions.

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[1] This amendment was published in Current Export Bulletin No. 648, dated November 29, 1951.

This part of the amendment shall become effective as of November 29, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 51-14452; Filed, Dec. 5, 1951; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

GALLINGER MUNICIPAL HOSPITAL

Effective November 15, 1951, the maximum stipend prescribed for student medical interns at Gallinger Municipal Hospital in § 27.2 is revised to read:

§ 27.2 *Maximum stipends prescribed.*

* * *

Student medical interns—Gallinger Municipal Hospital: Full-time approved training during fourth year of medical school, per year: $600.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-14470; Filed, Dec. 5, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 35]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

CHANGE IN PROHIBITIONS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 35 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 22 provides that a manufacturer may not sell at a price in excess of his General Ceiling Price Regulation (GCPR) ceiling price until 15 days after filing an OPS Public Form No. 8 which shows the higher ceiling price. It is not required, however, that a manufacturer list on Public Form No. 8 his higher CPR 22 ceiling prices if he is not going to sell above his GCPR ceilings. Supplementary Regulation 17, which implements the so-called Capehart Amendment (section 402 (d) (4) of the Defense Production Act of 1950, as amended), does not require any waiting period before selling at an adjusted ceiling price other than that the manufacturer must be eligible to use his CPR 22 prices at the time he uses his SR 17 prices.

It appears that this will result in an inequitable situation in some cases. Any manufacturer, either under CPR 22 or SR 17, who lists higher ceiling prices on a Public Form No. 8 must wait 15 days before selling at prices in excess of his GCPR prices. On the other hand, a manufacturer whose CPR 22 ceilings do not exceed his GCPR ceilings, but whose SR 17 ceilings do, may sell at those new higher ceilings immediately.

This amendment corrects this situation by eliminating the 15 day waiting period provided in CPR 22 with respect to commodities reported on an OPS Public Form No. 8. The waiting requirements of sections 32 and 33 are not altered.

In view of the nature of this amendment, the Director has not found it practicable or necessary to consult formally with industry representatives.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended in the following respects:

1. Section 46 (b) (1) is amended to read as follows:

(1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation, one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail and you must wait until you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your Public Form No. 8 before selling as provided in section 48.

2. Section 48 (c) (2) is amended to read as follows:

(2) As soon as you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your report on Public Form No. 8, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

3. Section 48 (c) (3) is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14559; Filed, Dec. 5, 1951; 11:02 a. m.]

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 2, Revision 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 2—ALTERNATIVE METHOD FOR DETERMINING CEILING PRICES BY ADJUSTING CEILING PRICES ESTABLISHED UNDER THE GENERAL CEILING PRICE REGULATION RATHER THAN BASE PERIOD PRICES

ALTERNATIVE METHOD OF CALCULATING THE OVERHEAD ADJUSTMENT FACTOR

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revision 1 to Supplementary Regulation 2, Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides manufacturers using SR 2 with an alternative method of calculating the overhead adjustment factor. In the method provided by section 5 of SR 2, revision 1, the calculation of a dollar-and-cents overhead adjustment for each commodity is required as a preliminary step. Following this step the manufacturer must calculate the percentage factor for his business which he uses in adjusting his ceiling prices under SR 2.

The method provided by this amendment eliminates the first step of the section 5 method. Under the new method a manufacturer calculates the overhead adjustment factor for his entire business without first calculating individual dollar-and-cents adjustments for each commodity. In the great majority of cases this method will yield virtually the same results as the section 5 method. It will be considerably simpler to apply.

AMENDATORY PROVISIONS

Revision 1 of Supplementary Regulation 2 of Ceiling Price Regulation 22 is amended in the following respects:

1. The last sentence of paragraph (a) of section 3 is amended to read as follows: "Sections 5 and 5a of this supplementary regulation tell you how you calculate such a factor."

2. A new section 5a is added. This section will follow the present section 5.

SEC. 5A. *Alternative method of calculating the overhead adjustment factor.* If you wish to calculate your overhead adjustment factor without first finding a dollar-and-cents overhead adjustment for each of your commodities, you must make the following computations:

(a) Multiply the number of units of each commodity sold by you during your

1950 fiscal year (this is the figure you find in section 3 (b) of this regulation) by its "average 1951 overhead-period price" which you find in section 11 (d) of SR 17. Add the results of these multiplications. (This gives you the total value of your 1950 sales at 1951 prices.)

(b) Divide the result obtained in (a) by the "total value of your sales at base-period prices." (The total value of your sales at base-period prices is the figure you find in section 3 (c) of this regulation.) The result is your "price increase ratio."

(c) Multiply the "price increase ratio" found in (b) by the "total 1951 overhead factor" which you find in section 12 (d) of SR 17. The result is your "adjusted total 1951 overhead factor."

(d) From the "adjusted total 1951 overhead factor" found in (c) subtract the "total 1950 overhead factor" which you find in section 12 (c) of SR 17. The difference is your overhead adjustment factor.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

This amendment shall become effective December 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14564; Filed, Dec. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 22]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXCISE, SALES OR SIMILAR TAXES—MANUFACTURERS' INVENTORY

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.,), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 22 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

An amendment to Ceiling Price Regulation 30, previously issued, provided for adjustment in the ceiling prices of manufacturers to reflect changes by the Revenue Act of 1951 in the manufacturers' excise taxes.

Changes in the rate of these taxes have introduced a serious administrative problem for manufacturers covered under this regulation because the definition of "manufacturer" contained in this regulation differs from that used by the Bureau of Internal Revenue in assessing the manufacturers' excise tax. "Manufacturer" under CPR 30 includes a person who sells a commodity under his own brand or trade name if he also produces a similar commodity in his own plant. The Bureau of Internal Revenue, however, does not consider such persons as manufacturers subject to the excise tax. That tax is ordinarily paid at the source by the person actually making the commodity with an exception being made when the commodity is being bought for use in a product made by the purchaser. In the latter case, the purchaser may furnish a tax exemption certificate to the manufacturer of the commodity and he assumes the responsibility for the payment of the excise tax upon the sale of the completed product into which the commodity is incorporated. On the date the changes in the manufacturers' excise taxes became effective, November 1, 1951, many manufacturers covered under CPR 30 had in inventory commodities purchased from other manufacturers who had been reimbursed by them for the excise tax paid prior to November 1. Similar products made by the manufacturer himself were also in inventory. As to these products, no tax had yet been paid by the manufacturer since he is not required to pay the tax until after sale. As a result, on and after November 1, sales by manufacturers of products made in their own factories became subject to the new tax rate while identical products purchased by these manufacturers prior to November 1 for resale under their brand name upon which taxes at the lower rate had been paid had a lower ceiling price. Many manufacturers have indicated to the Office of Price Stabilization that it would be highly impracticable to segregate purchased commodities from identical manufactured commodities and to sell these commodities at different ceiling prices, especially where it has never been their practice to state the tax separately.

While this is a transitory problem which will disappear upon the exhaustion of the manufacturers' present inventory, it is of sufficient importance to justify remedial action. Accordingly, this amendment permits manufacturers whose ceiling prices include provisions for excise tax to sell immediately all their inventory at the new ceiling prices established in conformity with the recent changes in the excise tax rate. Since manufacturers who customarily separately state the amount of tax paid by them would be prohibited by the Internal Revenue Code from stating a payment of tax not actually made, such manufacturers will be required to continue to sell their present inventary at prices reflecting the actual amount of excise taxes paid by them.

Because of the nature of this amendment, formal consultation with the many representatives of the industries affected was not feasible. However, a number of conferences were held with manufacturers involved and full consideration was given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respect:

Section 34 (a) (3) is amended to read as follows:

(3) If, subsequent to the establishment of any ceiling price, any excise, sales or similar tax is first imposed or any such tax which had been included in your ceiling price is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or the increase in such tax. If you recompute your ceiling price you may, thereafter, use the ceiling price as recomputed for all sales made by you including your sales of a commodity bought by you from another manufacturer for resale under your own brand name whether or not an excise tax has been paid at the source.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14563; Filed, Dec. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 23]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CHANGE IN PROHIBITIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 23 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment eliminates the 15-day waiting period provided in CPR 30 with respect to commodities reported on OPS Public Form No. 8, whose proposed ceiling prices are higher than the GCPR ceiling prices.

This amendment accomplishes the same objectives and is issued for the same reasons as Amendment 35 to CPR 22. Accordingly, the Statement of Considerations for Amendment 35 to CPR 22 is equally applicable to this amendment.

In view of the nature of this amendment, the Director of Price Stabilization has not found it practicable or necessary to consult formally with industry representatives.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. Section 44 (b) (1) is amended to read as follows:

(1) You must file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation, one or more reports on OPS Public Form No. 8 in accordance with the instructions contained in Appendix C. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail and you must wait until you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your Public Form No. 8, before selling, as provided in section 46.

2. Section 46 (c) (2) is amended to read as follows:

(2) As soon as you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your report on OPS Public Form No. 8, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

3. Section 46 (c) (3) is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This amendment shall become effective on December 10, 1951.

MICHEAL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14559; Filed, Dec. 5, 1951; 11:02 a. m.]

[General Overriding Regulation 21]

GOR 21—CEILING PRICE ADJUSTMENTS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 21 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general overriding regulation establishes the basic procedure in accordance with which most business concerns will be authorized to apply for an adjustment of their ceiling prices under the so-called Capehart Amendment (section 402 (d) (4) of the Defense Production Act of 1950, as amended). It is the most general of a series of regulations which are being issued for that purpose. The Capehart Amendment reads as follows:

After the enactment of this paragraph no ceiling price on any material (other than an agricultural commodity) or on any service shall become effective which is below the lower of (A) the price prevailing just before the date of issuance of the regulation or order establishing such ceiling price, or (B) the price prevailing during the period January 25, 1951, to February 24, 1951, inclusive. Nothing in this paragraph shall prohibit the establishment or maintenance of a ceiling price with respect to any material (other than an agricultural commodity) or service which (1) is based upon the highest price between January 1, 1950 and June 24, 1950, inclusive, if such ceiling price reflects adjustments for increases or decreases in costs occurring subsequent to the date on which such highest price was received and prior to July 26, 1951, or (2) is established under a regulation issued prior to the enactment of this paragraph. Upon application and a proper showing of his prices and costs by any person subject to a ceiling price, the President shall adjust such ceiling price in the manner prescribed in clause (1) of the preceding sentence. For the purposes of this paragraph the term "costs" includes material, indirect and direct labor, factory, selling, advertising, office, and all other production, distribution, transportation and administration costs, except such as the President may determine to be unreasonable and excessive.

The other regulations in this series either establish simpler rules for small concerns with limited records and resources, or prescribe specific procedures for the adjustment of ceiling prices which are adapted to commodities or services covered by particular OPS regulations. Examples of the latter are Supplementary Regulation 17 to CPR 22, the Manufacturers' General Ceiling Price Regulation, and Supplementary Regulation 4 to CPR 30, the Machinery and Related Manufactured Goods Regulation, which establish such specific procedures for the manufacturers subject to those two basic regulations. Similar provision will be made in the immediate future for the manufacturers of passenger automobiles which are covered by CPR 1, and for sellers of services subject to CPR 34. Consequently, this general overriding regulation does not apply to commodities or services subject to CPR 1, CPR 22, CPR 30, and CPR 34. As other special adjustment regulations are issued from time to time for other commodities or services, they, too, may be removed from the scope of this general overriding regulation.

Because of the tremendous diversity among the sellers covered by this general overriding regulation, it has not been possible to prescribe any specific formula, such as is contained in SR 17 to CPR 22 or SR 4 to CPR 30, by which they are to compute adjusted ceiling prices under section 402 (d) (4). Where such a formula can be provided, it has the advantage of ensuring greater uniformity of results and facilitating the review of applications. However, many of the industries which were originally excluded from the coverage of CPR 22 and CPR 30 were left out precisely because the formulae provided could not be readily applied to them. It would be even more difficult for such industries to calculate their cost increases under the more complicated formulae, necessary to satisfy section 402 (d) (4), which are incorporated in the new supplementary regulations to CPR 22 and CPR 30. Taking all these factors into account, the Director of Price Stabilization has determined that no such general formulae could be prescribed for the sellers subject to this general overriding regulation.

Consequently, sellers applying under this general overriding regulation are directed to determine ceiling prices which will reflect increases or decreases in costs between their peak pre-Korean prices and July 26, 1951, in accordance with their own accounting systems. This approach has the virtue of permitting each seller to use the accounting method to which he is accustomed.

It has, of course, the disadvantage that differences in accounting methods may produce differences in results. This, however, is unavoidable where no general formula can be prescribed. Moreover, it is clear from a colloquy in the course of hearings before the Senate Committee on Banking and Currency on a bill to repeal section 402 (d) (4) of the Defense Production Act of 1950, as amended, that it was contemplated by proponents of the measure that one way of permitting each seller to calculate the increases in his costs was by use of his own accounting methods. (Senate Committee on Banking and Currency, Hearings on S. 1928, S. 2092 and S. 2104, 82nd Cong., 1st Sess., pp. 2838–2839.) In view of the fact that each seller will be employing his own method of accounting the review of applications under this regulation will be far more difficult than where a uniform procedure is laid down. This will impose a very heavy administrative burden upon the Office of Price Stabilization. Nevertheless, this is the course which had to be adopted in this regulation.

An applicant under this regulation must first determine the highest price he received from the largest buying class of purchaser between January 1 and June 24, 1950, inclusive, for each commodity or service sold during this period upon which he is applying. This is the price upon which he builds. His ceiling prices to his other classes of purchasers are later determined by reference to his price to the largest buying class of purchaser. This treatment simplifies the calculations and is consistent with what is done in the parallel OPS regulations.

The applicant next determines his total unit cost for the commodity or service as of the date he received this highest price and as of July 26, 1951. He does this by first finding the cost shown on his books as of these two dates for the commodity or service. For convenience, he is permitted to use in place of either date the end of the month in which it occurs. Where the applicant maintains either finished-goods inventory records or product-cost records he is required to use the costs they show. If these records are kept on some other basis than actual production cost, they must be corrected to reflect his actual operating experience. These records are selected from among those normally kept by businessmen as most nearly showing actual costs as of each date.

If the applicant does not allocate material or labor costs to individual commodities, his books will not give him the information he needs. In that event, he must build up his material and labor requirements for the commodity or service he is pricing upon the basis of the six months experience preceding each date. Having done so, he then determines the cost as of each date of the materials included in the bill, upon the basis of their cost of acquisition to him as of that date, as shown by his records, and of his labor upon the basis of the wages he was paying on that date. In this way the applicant determines, upon the basis of his own experience, what the actual cost to him would be to produce the commodity or furnish the service on each date.

After the applicant has found the costs which he has allocated on his books to the commodity or service he is pricing, or after he has built up his prime costs in the manner described if he does not allocate labor and material costs to in-

dividual commodities or services, he must find what share of the balance of his costs are attributable to the commodity or service being priced. The regulation directs that general overhead is to be allocated on the basis of net sales and factory overhead and all other costs on the basis of whatever accounting principle the applicant employs. To eliminate temporary fluctuation in these costs, a six month period must be used in distributing these costs. It has been necessary to prescribe rules for distributing various elements of cost, because of the fact that virtually no accounting system provides for the allocation of all elements of cost to every single commodity or service.

The regulation provides that certain types of expenditures may not be taken into account in making these calculations. In general, these limitations merely conform with accepted rules of sound accounting practice. For example, any item which constitutes a distribution of profits is excluded since this is clearly not a part of operating costs. Similarly, most nonrecurrent costs must be distributed over an appropriate period. Costs reflecting payments of wages, salaries, or prices in excess of legal ceilings must be excluded for obvious reasons. Unreasonable and excessive costs have been excluded in accordance with the language of the statute itself. Increases in charitable contributions are reflected only to a limited extent.

After having calculated his costs for the two significant dates, the applicant next finds the differences between them. Based on these differences he determines the proposed adjustment for that commodity. This adjustment is then added to or subtracted from the highest price received during the first six months of 1950. The result becomes his proposed adjusted ceiling price for a commodity sold during his base period.

Because many industries make only small changes each year in the commodities they sell, an applicant is not limited to applying for new ceiling prices on commodities sold during the six months preceding Korea. Commodities which are similar to base-period commodities and which would be priced by reference to such base-period commodities under the applicable OPS regulation, if now introduced for the first time, are also covered by this regulation. When the applicant proposes new ceiling prices for his base-period commodities, he also is asked to propose new ceiling prices for all commodities introduced since then, which he is able to price by reference to such base-period commodities, under the regulation covering both.

An application for a proposed adjusted ceiling price, however, will not be accepted for a single commodity or service. Because of the virtual impossibility of calculating total costs for individual commodities with any degree of accuracy, and in addition because of the impossibility of separating cost elements common to a category or a group of joint products or by-products, this regulation requires that any application must cover, at the least, all the commodities in the same category and all the commodities having joint material costs with any other commodity included in the application. Moreover, since most of the regulations issued by the Office of Price Stabilization, other than the GCPR and the general regulations such as CPR 22 and CPR 30 for which special adjustment procedures have been provided, cover commodities in a single category, it is required in general that the application cover, at the least, all commodities included in any regulation other than the GCPR. Since these general rules may not be adequate to cover all situations, the Director of Price Stabilization may require that any application be broadened to include additional commodities or commodity groups. Such action will be taken wherever the application as submitted comprises too narrow a field to present a full picture of the cost changes for the commodities or services covered. It may also be taken where the application fails to disclose in sufficient detail the proper relationship among the prices of the commodities or services sold by the applicant and it appears that in the interest of the stabilization program reductions in ceiling prices may appropriately be made to balance adjustments upwards.

Since the accounting systems used will vary so widely, the regulation requires that each application be accompanied by full detail showing the various elements of cost for a representative sample of the commodities or services included as of the base date of each and as of July 26, 1951. Each applicant is also asked to submit a detailed explanation of how he has determined his costs, how he has corrected for variances between "standard" or "estimated" costs and actual cost, and what value he has given for by-products. Such detail is clearly necessary in view of the fact that few, if any, manufacturers regularly calculate total costs for the individual commodities they manufacture or the services they furnish. Ordinarily, certain elements of cost are calculated and distributed to individual commodities or services, but other elements, particularly those generally classed as overhead, are not so distributed. Any allocation of indirect costs to individual commodities or services involves a wide range of more or less arbitrary assumptions, and is difficult to make in any accurate or consistent manner. Moreover, the calculation of total costs for any commodity or service cannot be made without reference to the volume of production or sales. As this volume changes, the amount of indirect costs incurred for each unit of output changes also.

Each application, consequently, must indicate how costs have been allocated to individual commodities or services and what recognition has been taken of changes in volume. To aid in the review of these applications and as a check against the figures submitted, each applicant is required to submit annual and semi-annual profit-and-loss statements covering his entire business since January 1, 1950. When quarterly statements or figures for an individual department are available, these must also accompany the application. He also is asked to submit, where available, sales figures for the commodities or services covered by his application. These records are necessary to permit review of the costs shown on this application and will serve as a guide in determining whether or not to request further information from the applicant before acting on his application.

The difficulties which will be involved in the review of these applications make it impossible to permit them to be self-executing. Adjustments of ceiling prices will be made only by letter orders issued by the Office of Price Stabilization after full review of each individual application. Where the problems involved appear more than ordinarily complex, the Director of Price Stabilization may require that conferences or hearings be held with a view to obtaining all the required information and to clarifying any disputed issues.

As has already been pointed out an applicant may in some cases be directed to broaden the scope of his application where it appears likely that a full and complete showing of his ceiling prices would indicate that reductions might appropriately be made in some of his ceiling prices to balance increases in others. Even where the Director of Price Stabilization has not directed that the application be broadened he may revise or modify ceiling prices not covered by the application at the time he adjusts the ceiling price of the commodities included within it.

In still other cases the ceiling prices established by the Office of Price Stabilization for the applicant will not necessarily be the same as those proposed by him. Clearly, this will be the case where the applicant has included unreasonable or excessive costs in his calculations or has in any other way violated the instructions contained in the regulation for determining proposed ceiling prices. Again, where either the prices or the costs reported are unrepresentative, the Director of Price Stabilization reserves the right to disregard them in fixing adjusted ceiling prices. Prices or costs may be unrepresentative because of seasonal factors or because of special circumstances affecting the purchases or sales of the individual seller. Where prices or costs are unrepresentative because of seasonal factors, the Director of Price Stabilization may take such influences into account. For example, he may set a ceiling price which varies in accordance with the normal seasonal pattern or he may fix a ceiling price which levels off the seasonal peaks and valleys.

Still another instance in which the prices proposed by the applicant will not be those established for him is where in the interest of the price stabilization program the Director of Price Stabilization has created a price structure which would be destroyed by the establishment of the ceiling prices requested in the application. For example, the Office of Price Stabilization may have established differentials in a price regulation based on grade, location, season, class of purchaser, or terms and conditions of sale. In such a case, the ceiling prices established for the applicant may be conformed to the established differentials

regardless of the particular pricing practices of the applicant prior to Korea. This is only one instance of action the Director of Price Stabilization may take to conform, to the extent possible, the adjusted ceiling prices established for an applicant with the over-all price control program. A variety of considerations might make it incompatible with the broad objectives of the stabilization program to grant the application as requested. In all such cases the Director of Price Stabilization will establish ceiling prices, which, while designed to provide the applicant the adjustments to which he is entitled by section 402 (d) (4) of the Act, will be as consistent as possible with the pattern of ceiling prices established by OPS.

The effect of this general overriding regulation will, of course, be to raise prices whenever an application for adjustment is granted. These increases are, however, only those required by the Capehart Amendment.

The special circumstances leading to the issuance of this regulation and the very wide scope of its coverage have rendered consultation with industry and trade association representatives impracticable.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of Price Stabilization, the provisions of this general overriding regulation carry out the requirements of the third sentence of section 402 (d) (4) of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

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AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

PURPOSE AND COVERAGE

SECTION 1. *What this regulation does.* This regulation tells you how to obtain adjusted ceiling prices under section 402 (d) (4) of the Defense Production Act of 1950, as amended. You may apply under this regulation for new ceiling prices for commodities manufactured by you or services furnished by you. Your new ceiling prices shall be based on the highest prices received by you between January 1, 1950, and June 24, 1950, adjusted to reflect increases or decreases in your costs between the dates you received these prices and July 26, 1951.

SEC. 2. *Commodities and services covered by this regulation.* This regulation applies in the United States, its territories or possessions and in the District of Columbia. With certain exceptions, it covers all services furnished by you and all commodities manufactured by you which you dealt in between January 1 and June 24, 1950, inclusive. It also covers new services and new commodities not dealt in between January 1 and June 24, 1950, which are similar to services or commodities dealt in by you during this period. This is explained in more detail in section 11. This regulation does not, however, cover commodities or services for which your ceiling prices are established by CPR 1, CPR 22 or CPR 30; by any supplementary regulations to these regulations; or by any OPS regulation which specifically excludes particular commodities or services from the coverage of this regulation. It covers services under CPR 34 only to the extent provided by CPR 34 or by any supplementary regulation thereto.

SEC. 3. *Basic terms.* In order to understand this regulation it is necessary for you to become familiar with the way in which the following terms are used:

(a) *Commodity.* For convenience the terms "commodity" and "commodities" are used in this regulation to indicate both commodities and services. Therefore, any reference to "commodities manufactured by you" should be understood to mean also services furnished by you. The terms "commodity" and "service" are defined in section 20.

(b) *Base period.* This term refers to the period January 1 to June 24, 1950, inclusive.

(c) *Base-period price.* Your base-period price is the price of a commodity to its largest buying class of purchaser during the base period. To find it you must exclude any excise, sales or similar tax. The term "largest buying class of purchaser" is defined in section 20. You find your base-period price under either (1) or (2) below.

(1) The highest price at which you delivered the commodity in the base period, or the highest price quoted in a written contract entered into during the base period.

(2) The price in effect during the base period announced in a price list, catalogue or similar announcement. You may use such a price if both the following conditions were met on, or before, June 24, 1950: The announcement was communicated to a substantial number of your customers in your customary way; and after the announcement was issued you made substantial deliveries at the announced prices of one or more of the commodities included in it.

If you use a written announcement to find the base-period price for one commodity; you must use the prices in that announcement as the base-period price for all the commodities included in the same announcement.

(d) *Base-period commodity.* This term refers to a commodity for which you are able to find a base-period price.

(e) *Base date.* Each base-period commodity has its own base date. How you find that base date will depend upon how you found the base-period price of that commodity. If your base-period price is based upon a delivery or a contract your base date is the last day during the base period on which a delivery was made or a contract executed at that price. If your base-period price is based upon a price list, catalogue or similar announcement showing your prices then your base date is the last day during the base period on which such announcement was in effect.

(f) *New commodity.* This term refers to a commodity introduced after June 24, 1950, for which you are able to find a proposed ceiling price under section 11, by reference to a base-period commodity. This regulation has no application to a commodity introduced after June 24, 1950, for which you are unable to find a proposed ceiling price under section 11.

HOW TO OBTAIN NEW CEILING PRICES

SEC. 4. *Where to apply for new ceiling prices.* In order to obtain an adjustment in your ceiling prices for any commodities covered by this regulation you must file an application with the Office of Price Stabilization. If your net sales for your last complete fiscal year ended not later than July 31, 1951, were $1,000,000 or more, you file your application with the Office of Price Stabilization, Washington 25, D. C. If your net sales for the same period were less than $1,000,000 you file your application with the OPS District Office for the district in which your principal place of busi-

ness is located. (Certain applications will be forwarded by your OPS District Office to Washington, D. C., for action. In general, these will be applications covering commodities for which OPS has established dollars-and-cents ceiling prices.) The information which must be in your application is described in section 6.

SEC. 5. *Scope of your application.* (a) If you apply for an adjustment of the ceiling price for a commodity whose ceiling price is established under the General Ceiling Price Regulation, your application must cover, as a minimum, all base period and new commodities within the same category (the term "category" is defined in section 20).

(b) If you apply for an adjustment of the ceiling price for a commodity whose ceiling price is established under a supplementary regulation to the General Ceiling Price Regulation, or under any regulation other than the General Ceiling Price Regulation, your application must cover, as a minimum, all base-period and new commodities under the same regulation.

(c) If you apply for an adjustment of the ceiling price for a commodity which has joint material costs with any other commodity, your application must cover both commodities. You must do this regardless of whether or not these commodities are within the same category or are covered by the same regulation, and regardless of whether or not one of the two commodities would otherwise come within one of the exceptions to the coverage of this regulation set forth in section 2.

(d) Regardless of any of the rules stated above, you need not include in your application any commodity which you are not now selling or offering for sale. There is, however, one exception to this general rule. You must include in your application any base-period commodity, whether or not you are still offering it for sale, which you use under section 11 to determine the proposed ceiling price of a new commodity.

(e) The Director of Price Stabilization may direct you to broaden the scope of your application whenever in his judgment such action is necessary or appropriate to effectuate the provisions of the Defense Production Act of 1950, as amended. The following factors, among others, will be considered by the Director: (1) Whether your costs of operation can be assigned to individual commodities or commodity groups; (2) whether the scope of your application, as submitted, is sufficient to constitute a proper and complete showing of your prices and of your change in costs; (3) whether there is a proper relationship of the prices of your commodities to each other.

SEC. 6. *What your application must contain.* In applying for adjusted ceiling prices under this regulation you must use OPS Public Form Nos. 109, 110, 111, 112 and 113, which must be completed in accordance with the instructions they contain. These forms will be available at any OPS office shortly after the issuance date of this regulation.

This section tells you in detail what information you must submit to the OPS in order to obtain new ceiling prices. This section refers you to the subsequent section of this regulation where you will find further explanation of the material you are required to submit. You should not complete your application until you have read these subsequent explanatory sections. Your application must include the following information:

(a) A heading identifying it as an application pursuant to section 402 (d) (4) of the Defense Production Act of 1950, as amended, filed under this regulation.

(b) Your name, address and a general description of your manufacturing facilities. Indicate briefly and in general terms the principal commodities you sell and your principal classes of purchaser. Include all your commodities; not only those covered by this application.

(c) Identify and give the following information for each base-period commodity covered by your application: (1) Its base period price per unit and its largest buying class of purchaser; (2) its present ceiling price per unit to the same class of purchaser, and the OPS regulation which establishes this ceiling price; (3) the change in its total unit cost between its base date and July 26, 1951; and (4) its proposed new ceiling price per unit to the same class of purchaser. If it has been your practice to include any excise, sales or similar tax in your selling price, each of these three prices should be shown both before and after the tax has been included. Section 3 (c) tells you how to find your base-period price. Sections 7 and 8 tell you how to find the change in a commodity's total unit cost between its base date and July 26, 1951, and how to apply this difference to its base-period price in order to find its proposed ceiling price to its largest buying class of purchaser.

(d) For certain base-period commodities your application must give more information than is required by (c). For convenience, these base-period commodities are called throughout this regulation "representative base-period commodities." Subparagraph 1 tells you what these representative base-period commodities are and subparagraph 2 tells you what information must be given as to them.

(1) For each category covered by your application the following are your "representative base-period commodities":

(i) All commodities whose sales amounted to 3 percent of the total sales of all base-period commodities in the same category during your last complete fiscal year ended not later than July 31, 1951.

(ii) If the combined sales of all the commodities listed under (1) was less than 50 percent of the total sales of all base-period commodities in the same category during that fiscal year, add additional base-period commodities in the order of the descending magnitude of their sales until 50 percent is reached. However, you need not list more than 100 commodities even though you have not yet reached 50 percent.

(iii) All base-period commodities not yet listed whose sales during the fiscal year reached or exceeded $100,000.

(2) For each representative base-period commodity your application must show its total unit cost as of its base date and as of July 26, 1951. The total unit cost shown must be broken down into as much detail as your records permit. Direct labor, direct material, other factory cost, selling and advertising, general and administrative, and all other costs should each be shown separately, if possible. Section 8 tells you how to determine a commodity's total unit cost as of the two dates.

(e) Section 11 gives directions for calculating proposed ceiling prices for new commodities. Identify and give the following information for each new commodity covered by your application: (1) Its present ceiling price and the OPS regulation which establishes this ceiling price; (2) its proposed ceiling price and the section of the OPS regulation (identified in (1)) under which you have determined this ceiling price; (3) the base-period commodity by reference to which you have determined the proposed ceiling price of the new commodity. The identification of the base-period commodity should be exactly as under paragraph (c) above. The present ceiling price and the proposed ceiling price for the new commodity should be to the largest buying class of purchaser of the base-period commodity which you used to determine the proposed ceiling price of the new commodity. If it has been your practice to include any excise, sales or similar tax in your selling price, each price should be shown before and after tax.

(f) Describe the price differentials, which when applied to your proposed new ceiling price for each base-period and new commodity covered by your application, will give you your proposed new ceiling prices on sales to each class of purchaser other than that commodity's largest buying class of purchaser. If you apply uniform price differentials to all commodities included in your application a single statement of the amount or percentage of the differential is the only information you need give. The information you give must be sufficient, however, to indicate what your proposed new ceiling price is on every commodity covered by your application for sale to each class of purchaser. Section 12 of this regulation explains how you use the OPS regulation which now covers the commodity to find the price differentials you must use to find your ceiling price to each of your various classes of purchaser.

(g) Describe the terms and condition of sale which will apply on the sale of each commodity covered by your application to each class of purchaser. Section 13 of this regulation tells you how to find these terms and conditions of sale. Terms and conditions of sale applicable to more than one commodity need not be repeated for each commodity. The information given, however, should be sufficient to indicate the terms and conditions of sale which apply on the sale of each commodity to each class of purchasers.

(h) A statement as to whether any applications have been filed by you for any other commodities under either this regulation or any other regulation issued to provide the adjustments required by section 402 (d) (4) of the Defense Production Act of 1950, as amended. If so, describe in general terms the commodities covered by each such application, the date on which each such application was filed, where it was filed, and under what regulation.

(i) Include in your application the financial data, the work sheets and the explanatory material described in section 14.

(j) You may attach to your application price lists, catalogues or similar written announcements, if you consider this a convenient way of furnishing any of the information called for by this section. This information need not then be repeated in the body of your application.

PROPOSED CEILING PRICES FOR BASE-PERIOD COMMODITIES

SEC. 7. *General description of how you determine proposed ceiling prices for base-period commodities.* To complete your application you will have to determine, for each base-period commodity covered by it, a proposed ceiling price to its largest buying class of purchaser. You do this by adding to, or subtracting from, the base-period price of the commodity the change in its total unit cost between its base date and July 26, 1951. You find the total unit cost of the commodity as of these two dates in accordance with the instructions in the following sections. After you have found your proposed ceiling price for sale of the commodity to its largest buying class of purchaser you will be able to find its proposed ceiling prices on sales to your other classes of purchaser by following the instructions in section 12.

SEC. 8. *How you determine the adjustment to be applied to your base-period price in order to find your proposed ceiling price for a base-period commodity.* (a) For each base-period commodity covered by your application, you must find its total unit cost as of its base date and as of July 26, 1951. If the commodity's total unit cost was higher as of July 26, 1951, than as of its base date, you add the difference between its costs as of these two dates to its base-period price. This is the proposed ceiling price which you show on your application. If the commodity's total unit cost was lower on July 26, 1951, than as of its base date, you subtract the difference from its base-period price to find its proposed new ceiling price.

(b) In finding your costs as of these two dates, you must observe the rules in section 9, and you must exclude the items of cost listed in section 10.

(c) To find a commodity's total unit cost as of each date, first take the costs allocated on your books to each commodity as part of your regular accounting procedure. In place of the base date you may use, if more convenient, the cost shown on your books as of the close of the month in which the base date is included; in place of July 26, 1951, you may use, July 31, 1951. For convenience, the base date and July 26, 1951, or the dates you are using in place of them, will be referred to in this section as the "prescribed dates." If you maintain either finished-goods inventory records or product-cost records, you must take the costs shown by these records for the commodity as of the two prescribed dates as the commodity's allocated unit cost on these dates. You may use either kind of record, if you maintain both, provided the same kind of record is used for both dates. To the extent that your finished-goods inventory records or your product-cost records do not reflect actual production costs, as for example, where they are based on standard or estimated costs, they must be corrected to show actually experienced production costs before you use them under this regulation.

(d) If you do not allocate direct material or direct labor to individual commodities as part of your regular accounting procedure, then you will have to follow the instructions in this paragraph to determine the commodity's total unit cost for material and labor as of each of the prescribed dates. (1) First, determine the bill of materials and the direct labor requirements for each commodity as of each of the prescribed dates. Make this determination for the base date, upon the basis of your experience for the first six months of 1950, and for July 26, 1951, upon the basis of your experience for the first six or the first seven months of 1951. (2) Then determine, upon the basis of your records, your cost of acquisition of all the materials included in the bill of materials as of each prescribed date. (3) Determine, upon the basis of the wage rates in effect as of each of the prescribed dates, the cost of the direct labor required to manufacture the commodity. (4) The sum of the direct material costs found under (2) and the direct labor costs found under (3) is the prime cost of the commodity as of each of the prescribed dates.

(e) After you have found part of a commodity's total unit cost under one of the two preceding paragraphs, you must find the balance of its total unit cost in accordance with the following principles. Find the commodity's share of your unallocated costs as of each of the prescribed dates on the basis of the actual costs reflected on your books for the first six months of 1950 and for the first six or the first seven months of 1951. Allocate to the commodity being priced its share of your general overhead, including selling and advertising, on the basis of the ratio of the net sales of that commodity to your total net sales of all commodities to which this overhead applies during the applicable period. Allocate to the commodity being priced its share of unallocated manufacturing costs (factory overhead) and all other costs, in accordance with any method that is consistent with generally accepted accounting principles and practices. The method of allocation you employ must be based upon the first six months of 1950 and the first six or seven months of 1951.

(f) If you have not in the past maintained cost-accounting records and you are uncertain whether the method you plan to use for determining your total unit cost for a base-period commodity as of each of the prescribed dates is a proper one, you may before filing your application obtain the approval or disapproval of the Office of Price Stabilization. You must send your request for approval to the same OPS office to which your application will be sent. In requesting such approval, you must refer specifically to this paragraph; you must describe the commodity involved, the accounting records you keep, and the method pursuant to which you plan to determine your cost per unit as of each date. Although you need not await a reply from the Office of Price Stabilization before filing your application, the OPS may at any time disapprove the method you propose, specify the method which will be approved or request additional information.

SEC. 9. *General rules to be observed in calculating a commodity's total unit cost.* (a) The books and records upon which you base your calculations must have been kept in accordance with generally accepted principles of accounting.

(b) Yields or conversion factors which are abnormal or temporary may not be used.

(c) If you have made any change in accounting methods and principles between 1950 and 1951, you must state the fact in your application and the costs taken from your books must be adjusted so as to eliminate the effect of the change. Your work sheets must show how this adjustment has been made.

(d) The effect of any change between your base date and July 26, 1951, in the method of accounting for interdepartmental transactions or transactions with affiliated companies must be excluded.

(e) Lump-sum payments for annual or nonrecurring expenses must be distributed over an appropriate period in accordance with sound accounting practices.

(f) "Standard" or similar costs must be corrected for labor, material and overhead variances to show the costs actually experienced.

(g) The total unit cost of each commodity as of the base date and as of July 26, 1951, must reflect an appropriate reduction for the value of scrap or waste material.

(h) If, at any time between your base date and July 26, 1951, your costs increased because of a fire, flood, explosion, strike, lockout or other unusual occurrence you must exclude the effect of such occurrence in calculating your costs as of July 26, 1951.

(i) Special premiums, bonuses and overtime payments, if normally treated by you as direct labor costs, must be separately calculated and shown on your work sheets. Temporary increases in the costs of these items must be disregarded.

(j) Required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment or compensation tax, if included as direct labor costs, must also be separately calculated and shown on your work sheets.

(k) Depreciation rates on the same type of property must be consistent as of your base date and as of July 26, 1951.

SEC. 10. *Excluded costs.* The following costs must be excluded in calculating under section 8 the total cost per unit of the commodity being priced as of the base date and as of July 26, 1951.

(a) Any depreciation in excess of normal depreciation, regardless of increase in usage.

(b) Accelerated amortization of emergency facilities pursuant to a "Certificate of Necessity," or otherwise.

(c) Depletion, except where it is based upon a cost of acquisition of the wasting asset and is distributed over the probable life of the asset.

(d) Unusual development costs in the case of wasting assets.

(e) Any item which constitutes a distribution of profits, including bonuses, payments on any profit-sharing plans, or dividends.

(f) Interest.

(g) Losses on sale or disposition of capital assets.

(h) Unusual and nonrecurring expenditures due to such occurrences as fires, floods, civil dsturbances, or fines, awards or settlements, together with legal or court costs connected therewith.

(i) Amortization of costs under pension or welfare funds attributable to past services.

(j) The excess of costs for major repairs over normal amortization or other charges.

(k) Capital expenditures.

(l) Unreasonable or excessive expense accounts or entertainment costs.

(m) Wage, salary or other compensation paid to an employee in contravention of any regulation or order promulgated under the Defense Production Act of 1950.

(n) Payments for any materials or services in excess of ceiling prices at the time of their sale, established under any regulation or order issued under the Defense Production Act of 1950.

(o) Expenditures for the personal benefit of any owner.

(p) Income or profit taxes.

(q) Charitable contributions in excess of 5 per cent of net income during the fiscal year in which they were given.

(r) Excessive or unreasonable payments to affiliated persons for materials, services, licenses or for any other purposes.

(s) Losses on inventory, including inventory write-downs.

(t) Any other nonoperating cost.

(u) Any cost which is unreasonable or excessive.

PROPOSED CEILING PRICES FOR NEW COMMODITIES

SEC. 11. *New commodities.* Your application must include proposed new ceiling prices for certain new commodities.

(a) You must propose an adjusted ceiling price for every new commodity whose present ceiling price was established directly or indirectly "by reference" to the ceiling price of a base-period commodity. To calculate this adjusted ceiling price you use the method of calculating ceiling prices of new commodities prescribed by the regulation covering that commodity. However, you must use as the ceiling price of the "reference commodity" a ceiling price adjusted under this regulation.

Example. A manufacturer of gloves determines his ceiling prices under the General Ceiling Price Regulation. He introduced a new style of beige gloves in April of 1951. These beige gloves were in the same category (colored fabric gloves) as the black gloves which this manufacturer sold during the GCPR base period (December 19, 1950, through January 25, 1951). Therefore he calculated a ceiling price for his new beige gloves under section 4 of the GCPR (*Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period*), by reference to the ceiling price of his black base-period gloves. In order to obtain an adjusted ceiling price for his beige gloves under this regulation the manufacturer must again make a section 4 calculation, using the ceiling price of the black base-period gloves, adjusted under this regulation.

(b) The regulation covering a commodity whose ceiling price you are adjusting may have a base period different from the one provided by this regulation (January 1 through June 24, 1950). As a result of such a difference, a "base-period commodity" under the regulation covering that commodity may be a "new commodity" under this regulation. Where such differences occur the "new commodity" definition of this regulation (see section 3 (f)) is controlling. If a commodity becomes a "new commodity" under the definition of this regulation, you must propose an adjusted ceiling price for such a commodity using the "new-commodity" section of the applicable regulation.

Example. A manufacturer of blouses determines his ceiling prices under the General Ceiling Price Regulation. He sells two styles of blouses (both selling in the same category). Style A was introduced on March 1, 1950; Style B on September 1, 1950. Since the GCPR base period is December 19, 1950, through January 25, 1951, both A and B are base-period commodities under the GCPR. Under this regulation A is a base-period commodity, B is a new commodity. The adjusted ceiling price for B is calculated under section 4 of the GCPR (*Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.*) As the ceiling price of the reference or comparison commodity the ceiling price of A, adjusted under this regulation, must be used.

SPECIAL INSTRUCTIONS

SEC. 12. *Price differentials.* (a) You are required to show in your application the price differentials, which, when applied to your proposed ceiling price for a base-period commodity calculated under section 8, or for a new commodity calculated under section 11, will give your proposed ceiling prices to the various classes of purchaser other than the largest buying class of purchaser of that commodity. What price differentials you show in your application will depend upon the OPS regulation which covers the commodity for which you are requesting new ceiling prices.

(b) If the OPS regulation covering the commodity is a "freeze" regulation, that is, if it establishes as your ceiling prices the highest prices at which you sold or delivered during a particular period, then the price differentials which you will report on your application will be those which you had in effect during this period. If during this period you made sales to a particular class of purchaser at prices a fixed percentage higher or lower than sales to your largest buying class of purchaser of that commodity, show in your application the percentage differential last used during your base period for that class of purchaser. If during this period your customary differential to this class of purchaser was a dollar-and-cents differential from the price to your largest buying class of purchaser, show in your application the dollar-and-cents differential last used.

(c) If the OPS regulation covering the commodity fixes ceiling prices in some other way, then report in your application whatever price differentials such regulation establishes.

(d) You must show in your application the price differential to each class of purchaser.

SEC. 13. *Terms and conditions of sale.* (a) Your application must show the terms and condition of sale at which sales will be made at your proposed ceiling prices to each class of purchaser. What these terms and conditions are will depend upon what OPS regulation covers the commodity for which you are proposing a new ceiling price. If the OPS regulation covering the commodity is a "freeze" regulation, you will show in your application the terms and condition of sale you had in effect during the base period under that regulation. If it establishes ceiling prices in some other way, show the terms and condition of sale it requires.

(b) Terms and conditions of sale include, among other things, all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, and guarantees.

SEC. 14. *Required data and explanatory material.* When you apply for adjusted ceiling prices you must submit the following material:

(a) Profit-and-loss statements covering your entire business (1) for each fiscal year ended after March 31, 1950, and (2) for each fiscal half year ended between January 31, 1950, and January 1, 1952. These statements must be submitted on OPS Public Form No. 113 and should be as complete as the accounting data available to you will permit.

(b) In addition to the profit-and-loss statements required by (a), you should attach to your application any profit-and-loss statements which you have had prepared which cover any fiscal quarter ended between January 31, 1950, and January 1, 1952. If you have had profit-and-loss statements prepared for any unit of your business whose costs enter into the total unit cost of any commodity covered by your application, you should also include whatever statements are available for these units covering each fiscal year ended after March 31, 1950, each fiscal quarter and each fiscal half year ended between January 31, 1950, and January 1, 1952. You need not use OPS Public Form No. 113 for these statements.

(c) A breakdown of your total sales for the fiscal half year ended nearest to June 30, 1950, and for the fiscal half year ended nearest to June 30, 1951, showing separately, in as much detail as possible, the sales of each representative base-period commodity listed under section 6 (d). This information should be submitted on OPS Public Form No. 111. Submit separately by categories the sales of your other commodities, whether or not covered by your application, for these two fiscal half years.

(d) A careful and complete explanation of the accounting methods or systems used by you to determine your costs, including:

(1) If your accounting system is maintained on a standard or estimated cost basis, the method you have used for correcting the variances between actual and standard costs in determining the total unit cost of a base-period commodity under section 8;

(2) The method you have used to determine direct labor and direct materials costs and the method by which you have allocated indirect labor, indirect materials and other factory costs to the base-period commodities covered by your application;

(3) If your application covers commodities with joint material costs, how you allocated your costs among them in determining the total unit cost of each;

(4) If in the course of manufacture of any base-period commodity one or more by-products are produced, what credit you allowed for the value of each by-product in determining your total unit cost for that commodity under section 8, and how you calculated this credit.

SEC. 15. *Alternate method for computing proposed ceiling prices.* If you find that you are unable to calculate proposed ceiling prices in the manner required by this regulation, you may apply for permission to use another method to determine proposed ceiling prices under section 402 (d) (4) of the Defense Production Act of 1950, as amended. If your net sales during this fiscal year ended July 31, 1951, were less than one million dollars, this application should be sent by registered mail to your OPS District Office; otherwise, it should be mailed to the Office of Price Stabilization, Washington, 25, D. C. If you make such an application, identify it as filed under this regulation and this section; submit the information required by paragraphs (a), (b) and (h) of section 6; describe in detail the method you propose to use; state the approximate increase in your present ceiling prices which your method will produce and the reasons why you cannot use the method set forth in this regulation to calculate proposed ceiling prices. Do not use the proposed method until you are notified in writing by the Director of Price Stabilization that you may do so. He may, before approving or disapproving your proposed method, request additional information from you.

ADJUSTMENT OF CEILING PRICES

SEC. 16. *Establishment of adjusted ceiling prices.* (a) You will be sent a letter order notifying you of the action taken on your application and of your new ceiling prices. Until you receive such a letter order, you must continue selling at your present ceiling prices.

(b) Your application for adjustment will be carefully reviewed to determine whether to establish or to modify the prices proposed in your application. OPS will consider among other things, whether any cost shown on your application is unreasonable, excessive, unrepresentative, or otherwise improper. OPS may investigate the underlying facts, require the filing of supplementary information, and hold hearings and conferences.

(c) Within his discretion, and consistently with the requirements of section 402 (d) (4) of the Defense Production Act of 1950 as amended, the Director of Price Stabilization may establish or revise ceiling prices for the commodities covered by your application, and in appropriate cases, for other commodities. Ceiling prices may also be established in the letter order for commodities which you introduced since your application was filed, and provision may be made for the establishment of ceiling prices for commodities which you introduce thereafter.

MISCELLANEOUS PROVISIONS

SEC. 17. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations to this general overriding regulation establishing special instructions or procedures for the adjustment of the ceiling prices of particular commodities or industries. This will be done wherever the procedure provided by this general overriding regulation is not appropriate because of the practices of the particular industry, or where the processing of individual applications in a particular industry will result in too great a delay, or where for any other reason special treatment is necessary or appropriate in the interest of effective price stabilization.

SEC. 18. *Applicability of other OPS regulations to you.* All the provisions of the regulations under which your ceiling prices are presently established continue to be applicable to you except to the extent that they are expressly inconsistent with this regulation, or are expressly stated to be inapplicable in the letter order fixing your ceiling prices. Wherever such provisions refer to ceiling prices "established under this regulation," or use equivalent language, your ceiling prices as adjusted under this general overriding regulation are included. This means that you will continue to look to these regulations to find, for example, what records and reports you are required to keep in addition to those required by this regulation or what acts are prohibited.

SEC. 19. *Records and reports*—(a) *Record-keeping requirements.* In addition to the records and reports required by whatever other OPS regulations are applicable to you, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have correctly computed the ceiling prices proposed in your application. These records must include all the books and records upon the basis of which you have determined the total unit costs of each commodity covered by your application. The type of records you must prepare and preserve will depend upon the accounting methods you employ and the contents of your application. You must preserve copies of invoices, paid bills or similar data to show material costs; copies of payroll and of collective bargaining agreements to show labor costs; and any other pertinent evidence to show all other costs. The records to be preserved under this paragraph include appropriate work sheets.

(b) *Reports.* The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 20. *Definitions.* Unless the context otherwise requires, the definitions in this section shall be controlled.

Base date. This term is defined in section 3.

Base period. This term is defined in section 3.

Base-period commodity. This term is defined in section 3.

Base-period price. This term is defined in section 3.

Category. This term refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation.

Class of purchaser, or purchaser of the same class. This term is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. Such a practice may be based upon the characteristics or the distributive level of the buyer, for example, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may be based on the location of the purchaser or the quantity purchased by him. If your practice has been to give an individual customer a price different from that charged others, that customer is a separate class of purchaser.

Commodity. This term includes any item, object, material, article, product, service or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization delegates a function, power or authority referred to in this regulation.

Largest buying class of purchaser. This term refers to the class of purchaser of a particular commodity which, during the period January 1, 1950, through June 24, 1950, bought the largest dollar

amount of that particular commodity. You may have a different "largest buying class of purchaser" for different commodities. Only if no sales of the particular commodity were made to any other class of purchaser can one of the following be the largest buying class of purchaser: the United States or an agency thereof; a foreign purchaser; or a person to whom the only sales made during the period were under a written contract of at least six months' duration entered into prior to January 1, 1950.

Manufacture. This term includes processing, producing, assembling, finishing, printing or fabricating. You do not manufacture unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote or sell a commodity, or commodities without substantially changing their form, you are not manufacturing such a commodity.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted.

New commodity. This term is defined in section 3.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes selling, supplying (with respect to either commodities or services), disposing, bartering, exchanging, transferring, and delivering, and contracting and offering to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Your OPS District Office. This means the OPS District Office for the district in which your principal place of business is located.

Effective date. This general overriding regulation is effective December 5, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14560; Filed, Dec. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 67, Amdt. 4]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

EXCISE, SALES OR SIMILAR TAXES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

Mauufacturers have been permitted to reflect in their ceiling prices recent changes in the manufacturers' excise taxes, in a number of actions involving the GCPR, CPR 22, and CPR 30. Changes in manufacturers' prices in accordance with these actions have introduced the necessity for parallel action to enable resellers to adjust their own ceiling prices.

This amendment permits all resellers covered under CPR 67 to adjust their ceiling prices to reflect changes in the prices of their suppliers. Resellers who sell off manufacturers' list prices will, upon notification by their supplier of changes in the manufacturers' list prices, have new ceiling prices which will apply to all sales made by them after notification. Resellers who determine their ceiling prices by applying their customary markup to their net invoice cost will similarly have a new ceiling price upon receipt of invoices from their suppliers showing the adjusted new prices. In order to avoid the confusion of different prices for the same commodity, resellers will use their current or most recent net invoice cost to determine their new ceiling prices. These recalculated ceiling prices will apply to their entire inventory. These changes are consistent with the provisions of the Herlong Amendment in that resellers will be permitted to maintain markups in effect April 1 to June 24, 1950. The term "net invoice cost" has been redefined to permit the inclusion of manufacturers' excise taxes in such costs.

Because of the nature of this amendment, formal consultations with all the persons affected were not feasible. However, consideration was given to the expressed recommendations of numerous resellers.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) *Cost of the commodity.* The cost of the commodity that you must use in determining your ceiling price shall be your most recent net invoice cost or your most recent delivered cost (depending upon whether during the period April 1 through June 24, 1950 you applied your percentage markup to net invoice cost or delivered cost) not in excess of the applicable ceiling price. For the purposes of this section, if you receive a written statement from your supplier that the price charged you does not exceed the applicable ceiling price, and you have no reason to doubt the validity of his statement, the price certified by your supplier, shall be deemed not to be in excess of the ceiling price. A statement that "prices in this invoice do not exceed OPS ceiling prices" will be acceptable.

2. Section 17 (j) is amended to read as follows:

(j) *Net invoice cost.* This term refers to your invoice cost, less any discount you took or could have taken. It does not include separately stated charges, such as freight, taxes, etc., except that manufacturer's excise taxes may be included.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14562; Filed, Dec. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 102]

CPR 102—CEILING PRICES FOR PULPWOOD PRODUCED IN THE STATE OF PENNSYLVANIA AND CERTAIN COUNTIES IN THE STATES OF NEW YORK, MARYLAND, VIRGINIA AND WEST VIRGINIA

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 102 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars and cents ceiling prices on rough and peeled pulpwood cut from the stump in the State of Pennsylvania, and in certain counties in the States of New York, Maryland, Virginia, and West Virginia. The area covered by this regulation annually produces approximately 300,000 cords of pulpwood of which about 260,000 cords are purchased by 10 wood pulp mills located in Maryland and Pennsylvania. The remainder of the pulpwood produced in this area is consumed by mills located in Ohio, New Jersey and Virginia. Wood from this area represents more than one-third of the total wood purchased by the Maryland and Pennsylvania mills, but only a small part of the requirements of the mills located in the other States.

Of the total wood purchased in this area in 1950, about 30 percent was peeled wood and 70 percent rough wood. Two-thirds of the wood purchased was of hardwood species.

The pulpwood is transported to mills almost exclusively by truck because of the relatively short hauling distances and the existence of a network of good roads. In 1950, 98 percent of the hardwood and 80 percent of the softwood shipped to the mills in Pennsylvania and Maryland was transported by truck. Although deliveries of wood produced in this area are

relatively constant throughout the year, area mills normally maintain inventories equal to four or five months supply of wood because their receipts of wood from other areas are somewhat seasonal. Since June, 1950, however, the mills have increased their rates of operation, and inventories have decreased.

In the period June, 1950–January, 1951 there was an increasing demand for pulpwood which caused an irregular movement in the prices of rough and peeled wood. Although mills normally contract for wood in the Spring of each year, some mills found it necessary to make additional contracts throughout most of the year to meet their expanded requirements for wood. Consequently, distortions developed in the area price structure for both rough and peeled wood and also in the price relationship between rough and peeled wood.

To eliminate these distortions a uniform differential of $4.50 per cord is established between rough and peeled wood and the prices for individual species of rough wood are stabilized at the level prevailing before the issuance of this regulation. This level is approximately at the level of prices for wood received by the mills in the period January 25 through February 24, 1951. The increase of 11 percent over the June, 1950 level is necessary to compensate for increases which have occurred since then in costs of labor, equipment, stumpage, and transportation.

This regulation continues in effect the uniform dollar and cent commissions for dealers at the levels which were in effect under OPA and have continued since that time despite changes in the prices of pulpwood. It also provides for transportation allowances on a mileage basis which in general follow the current pattern of transportation allowances.

In the judgment of the Director of Price Stabilization, this regulation is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation for pulpwood are not below the lower of the prices prevailing just prior to the issuance of this regulation or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive.

In formulating this regulation the Director has consulted with representatives of industry insofar as practicable and has given consideration to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

REGULATORY PROVISIONS

Sec.

1. What this ceiling price regulation does.
2. Ceiling prices for pulpwood.
3. Allowances and commissions.
4. Less than ceiling prices.
5. Adjustable pricing.
6. Sales between consumers.
7. Records and reports.
8. Logging services.
9. Stumpage.
10. Evasions.
11. Interpretations.
12. Petitions for amendment.
13. Prohibitions.
14. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this ceiling price regulation does.* This regulation establishes dollars and cents ceiling prices and supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 34, Services, (see section 8) with respect to all sales and purchases of pulpwood cut from the stump in the following counties of the State of New York: Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange, and Rockland; the State of Pennsylvania; that portion of the State of Maryland west of, and including, the Counties of Harford, Baltimore, Howard, and Montgomery; that portion of the State of West Virginia north of, and including, the Counties of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, and Pocahontas; and in the State of Virginia the Counties of Rockingham, Shenandoah, Page, Frederick, Warren, Clark, Loudoun and Fairfax.

SEC. 2. *Ceiling prices for pulpwood.* (a) (1) The ceiling price per cord for pulpwood cut from the stump in each of the zones hereinafter indicated shall not exceed the following, delivered at seller's expense, f. o. b. car or delivered mill by truck (up to 25 mile truck haul):

Zone 1. The State of Pennsylvania, and the Counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange, and Rockland in the State of New York.

Species	Rough	Peeled
Pine	$14.00	$18.50
Hardwood	13.00	17.50
Hemlock	12.50	17.00

Zone 2. That portion of the State of Maryland west of, and including, the Counties of Harford, Baltimore, Howard, and Montgomery; and that portion of the State of West Virginia north of, and including, the Counties of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, and Pocahontas.

Species	Rough	Peeled
Pine	$13.70	$18.20
Hardwood	13.00	17.50
Hemlock	12.50	17.00

Zone 3. In the State of Virginia the Counties of Rockingham, Shenandoah, Page, Frederick, Warren, Clark, Loudoun, and Fairfax.

Species	Rough	Peeled
Pine	$13.70	$18.20
Hardwood	11.70	16.20
Hemlock	11.20	15.70

(2) *Mileage differentials applicable to Zones 1, 2 and 3.* When you deliver pulpwood by truck to the consumer's mill and the haul from the point of shipment (as defined in section 14 (a) (11)) exceeds 25 miles, you may add to the appropriate ceiling price in the zone tables a sum not over the appropriate differential provided below:

Distance (miles)	Rough pine, hardwood or hemlock	Peeled pine, hardwood or hemlock
25–45	$1.25	$1.00
45–65	2.50	2.00
65–85	3.75	3.00
Over 85	5.00	4.00

(3) *Sales at points other than f. o. b. car or delivered mill by truck.* When you sell pulpwood at a point other than f. o. b. car or delivered mill by truck, your ceiling price per cord shall be computed by deducting from the appropriate ceiling price established in section 2 (a) (1) the sum of the actual costs incurred by the buyer in loading the pulpwood at the point of shipment (see section 14 (a) (11)) actually used and in delivering the pulpwood to f. o. b. car or to the mill when the distance involved is not more than 25 miles. If the distance the pulpwood is to be hauled is more than 25 miles, the mileage table of subparagraph (2) of this section shall establish the per cord amount of the deductions to cover the buyer's costs of hauling the pulpwood in addition to the deductions made for the first 25 miles.

(b) *Highway taxes and toll charges.* When it is necessary for the seller to pay toll fees on highways, bridges, and ferries, a sum not to exceed the actual charges may be added to the appropriate ceiling price.

(c) *Specifications.* The ceiling prices established herein are for sound wood of standard quality prepared to conform with the consumer's specifications. All trade practices and customs with respect to allowances for culls, firekills, or for defective wood of any kind, must be observed.

(d) *Mixed shipments.* If a shipment or load contains a mixture of species of pulpwood, the ceiling price of the shipment shall be fixed by applying the price of the lowest priced species to the number of cords comprising the shipment. However, when the different species are segregated by stakes so that the per cord amount of each species contained in the shipment is readily ascertainable, the appropriate ceiling price may be applied to the per cord amount of each species.

SEC. 3. *Allowances and commissions.* When a person qualifies as a dealer as defined by section 14 (a) (3) of this regulation, a consumer may pay such dealer, in addition to the producer's ceiling price, hereinbefore provided, a sum not to exceed $0.80 per cord on each cord of rough pulpwood and $1.20 per cord for each cord of peeled pulpwood received. In no event shall a person receive a dealer's commission on the pulpwood cut by another person pursuant to any contract or other agreement between the two whereby each is to sell and charge a commission on the pulpwood cut by the other.

A dealer may receive a dealer's commission only from a consumer, and only if a dealer fulfills all of the following requirements with respect to the transactions:

(a) Keeps copies of all contracts in which a dealer's allowance is specified.

(b) Guarantees that he has title to the pulpwood.

(c) Guarantees that the pulpwood has been completely prepared for delivery by a person other than himself.

(d) Shows his allowance or commission as a separate item on the settlement sheet for each transaction. This settlement sheet must contain a statement that the dealer has had no part in the preparation of the pulpwood, and that the charges are not in excess of those allowed by this ceiling price regulation.

(e) Does not share his allowance or commission with any other person.

(f) Complies with all other provisions of this ceiling price regulation.

SEC. 4. *Less than ceiling prices.* Lower prices or commissions than those set forth in sections 2 and 3 of this regulation may be charged, demanded, paid or offered.

SEC. 5. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell pulpwood covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling price after delivery.

SEC. 6. *Sales between consumers.* When one consumer sells and delivers pulpwood to another, the ceiling price shall not exceed the actual cost of the pulpwood to the seller plus the actual cost involved in moving the pulpwood to the buyer.

SEC. 7. *Records and reports.* (a) on and after the effective date of this regulation, when you sell or in the course of business purchase pulpwood covered by this regulation you shall keep for inspection by the Director of Price Stabilization, for a period of two years, records or invoices of each sale or purchase of such pulpwood made which show the following:

(1) Date of sale or purchase and pricing point where sale was consummated.

(2) Name and address of seller and buyer.

(3) Species of pulpwood sold or purchased and whether peeled or rough.

(4) Quantity of peeled or rough pulpwood of each species sold or purchased.

(5) Prices, including discounts given or received, and all other direct or indirect consideration received or given, and rebates taken or made.

(6) Warranties, if any, given or received.

(7) Origin and destination of shipment.

(8) Means of transportation used.

(b) Persons required to keep records shall submit such reports to the Office of Price Stabilization as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. All records required by section 16 (a) of the General Ceiling Price Regulation shall be preserved, and, for the period specified in section 16 (b) of the same regulation, all records required by section 16 (b) which relate to sales of pulpwood covered by this regulation made between January 26, 1951, and the effective date of this Ceiling Price Regulation shall also be preserved.

SEC. 8. *Logging services.* (a) Any person may sell and any person may buy one or more logging services in connection with pulpwood to be sold under this regulation at prices acceptable to both parties: *Provided however*, That at the point where the pulpwood is sold to the purchaser, the total of all the prices paid for the individual partial operations which comprise the complete operation, plus the stumpage, shall not exceed the appropriate ceiling prices established under this regulation and that the wage rates paid for the performance of such services shall not exceed the legal rates authorized by the Wage Stabilization Board. Where logging services are performed on mill-owned or controlled stumpage, the rates, fees, charges, or prices for such services are governed by Ceiling Price Regulation 34, Services.

(b) Logging services include all services in connection with the production and transportation of pulpwood. They include, but are not limited to, road and camp construction, felling, bucking, skidding, yarding, peeling, loading and reloading, and trucking. They also cover the transportation of gravel, building materials, machinery, and the like, when performed solely in connection with a logging operation. They do not include services rendered in connection with pulpwood after the pulpwood is sold to the consumer.

SEC. 9. *Stumpage.* This regulation and the General Ceiling Price Regulation, shall not apply to sales of stumpage or leases, licenses, or other contractual obligations pertaining to the right of a person to sever timber (stumpage) from the stump on the land of another person in accordance with the provisions of Supplementary Regulation 17 to the General Ceiling Price Regulation.

SEC. 10. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of illegal commissions, advances, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 11. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper Office of Price Stabilization District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 13. *Prohibitions.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person, in the course of trade or business shall buy pulpwood covered by this regulation from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provision of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(b) Sales involving wholly-owned subsidiary of a consumer: For the purposes of this ceiling price regulation, a sale to a wholly-owned subsidiary of a consumer may be considered as a sale to the consumer and, further, that the ceiling prices established by the General Ceiling Price Regulation and this regulation shall not apply to pulpwood which is sold to a consumer by its wholly-owned subsidiary.

(c) Pulpwood in transit on effective date of this regulation: If on or prior to the effective date of this regulation any pulpwood covered by this regulation has been received by a carrier, including a carrier owned or controlled by the seller, for shipment to the consumer or is in transit for delivery to the consumer by means of either railway car or truck, then the provisions of the General Ceiling Price Regulation and not this regulation shall apply.

SEC. 14. *Definitions.* (a) When used in this Ceiling Price Regulation 102 the term:

(1) "Consumer" includes any person who purchases pulpwood for his own consumption. However, for the purposes of this regulation a sale to a wholly-owned subsidiary of a consumer may be considered as a sale to the consumer, as provided in section 13 of this regulation.

(2) "Cord of pulpwood" refers to an amount of pulpwood (whether peeled or rough) which, when properly prepared and stacked, occupies a space of 128 cubic feet, or when pulpwood is sold in the form of logs, means that quantity of logs which would, if cut into four foot bolts, pile up one cord of pulpwood as defined above. The log rule commonly in use in the area where such pulpwood is cut will be used to determine the cubical content of such logs and the conversion ratio commonly used in the area will be used in converting log scale to cords.

(3) "Dealer" means any person who sells to consumers, pulpwood not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer.

(4) "Delivered mill" means pulpwood delivered to a yard or piling area adjacent or contiguous to a consumer's mill.

(5) "F. o. b. car" means pulpwood loaded on railroad cars at the seller's expense.

(6) "Hardwood" includes the wood of all broadleaf, deciduous trees.

(7) "Hemlock" includes eastern white hemlock (Tsuga canadensis) and white pine (Pinus strobus).

(8) "Peeled pulpwood" includes any pulpwood which has been sap peeled or barked by any process prior to its delivery to a consumer.

(9) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

(10) "Pine" includes longleaf pine (Pinus palustris), shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), Pond pine (Pinus serotina), sand pine (Pinus clausa), spruce pine (Pinus glabra), and any other species of the genus pinus, except white pine (Pinus strobus).

(11) "Point of shipment" means the point at which pulpwood is loaded on the vehicle by which it is to be delivered to the consumer's mill or to the railroad car.

(12) "Pulpwood" means any species of wood (inclusive of mill waste or mill by-products) sold for manufacture into wood pulp.

(13) "Rough pulpwood" means pulpwood from which the bark has not been removed.

(14) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" or "purchase" shall be construed accordingly.

(15) "Seller" includes any person who sells pulpwood.

(16) "Stumpage" means a tree whether green or dead, standing or down, of all species, classes and sizes, where the tree has not been severed from the stump.

(17) "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This Ceiling Price Regulation 102 shall become effective December 10, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14565; Filed, Dec. 5, 1951; 11:02 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 81]

GCPR, SR 81—ROUNDING CEILING PRICES—MANUFACTURERS OF AUTOMOTIVE OR AIRCRAFT PARTS, ACCESSORIES AND EQUIPMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 81 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Many manufacturers have been required by recent changes in excise taxes to recalculate their ceiling prices. This supplementary regulation permits manufacturers of automotive or aircraft parts, accessories or equipment who are still under the General Ceiling Price Regulation to round their recalculated ceiling prices to the nearest cent or fraction of a cent and to round to the nearest nickel if they sell from price lists at established discounts. Manufacturers now under CPR 30 are already permitted to round their ceiling prices in the same manner.

The wide coverage of this supplementary regulation has made it impracticable to consult with representatives of all the manufacturers involved. However, a number of conferences were held with representatives of the industries affected and consideration was given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. Sellers covered by this supplementary regulation.
2. What this supplementary regulation does.
3. Rounding Ceiling prices.
4. Definitions.
5. Incorporation of GCPR provision.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Sellers covered by this supplementary regulation.* This Supplementary Regulation applies to you if you are a manufacturer of automotive or aircraft parts, accessories and equipment.

SEC. 2. *What this supplementary regulation does.* This supplementary regulation permits manufacturers of automotive or aircraft parts, accessories or equipment, to round their ceiling prices established under the GCPR to the nearest cent or fraction of a cent. Manufacturers who customarily round to the nearest nickel items on a price list from which sales are made at established discounts are permitted to continue to do so.

SEC. 3. *Rounding ceiling prices.* If you are permitted or required to adjust your ceiling prices by reason of a change in the manufacturers' excise tax, you may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cent or fraction of a cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. If you normally round to the nearest nickel the item on a price list which you sell at established discounts, you may continue to do so. For example, if you normally quote to the nearest cent and your ceiling price for commodity A is $0.2160, you may round that ceiling price to $0.2200. However, if you round your ceiling price for commodity A and your ceiling price for commodity B is $0.2730 you must round its ceiling price to $0.2700. If you normally quote to the nearest nickel and your ceiling price for commodity A is $1.68, you may round that ceiling price to $1.70. However, if you round your ceiling price for commodity A and your ceiling price for commodity B is $1.47 you must round its ceiling price to $1.45.

SEC. 4. *Definitions.* When used in this supplementary regulation the term:

(a) "Automotive Parts" means all engine parts, body parts, chassis parts, motors, electric equipment and wheels, and all other component parts and subassemblies of automobiles, trucks, busses, trailers, semitrailers, and motorcycles (except rebuilt bodies of trucks, busses, trailers or semitrailers) and all accessories and optional, extra and special equipment designed for use on, or with, such motor vehicles, and unfinished parts and components thereof, when in such form as to permit their use only as automotive parts, but does not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, sheet or other non-processed glass.

(b) "Aircraft parts, accessories and equipment" includes all parts, subassemblies and finished parts and other components of aircraft which are in such form to permit their use only as aircraft parts, except tires and tubes.

(c) "You" means the persons affected by this supplementary regulation.

SEC. 5. *Incorporation of GCPR provision.* Any person subject to this supplementary regulation is also subject to all provisions of the GCPR not inconsistent with provisions of this supplementary regulation.

Effective date. This supplementary regulation shall become effective December 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 5, 1951.

[F. R. Doc. 51-14561; Filed, Dec. 5, 1951; 4:00 p. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3514]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 75M Red Lake	$130,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14474; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3515]

KANSAS

LOAN ANNOUNCEMENT

NOVEMBER 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 34U Barton	$3,400,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14475; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3516]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 6, 1951.

Inasmuch as Sulphur Springs Valley Electric Cooperative, Inc. has transferred certain of its properties and assets to Graham County Electric Cooperative, Inc., and Graham County Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Sulphur Springs Valley Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 766, dated June 15, 1943, by changing the project designation appearing therein as "Arizona 3014C1 Cochise" in the amount of $345,000 to read "Arizona 3014C1 Cochise" in the amount of $264,827.99 and "Arizona 17 Graham (Arizona 3014C1 Cochise)" in the amount of $80,172.01.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14476; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3517]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 7, 1951.

I hereby amend:

(a) Administrative Order No. 21, dated October 1, 1936, as amended by Administrative Order No. 47, dated January 11, 1937, by reducing the allocation of $25,000 therein made for "Minnesota 3W Meeker" by $9,161.20 so that the reduced allocation shall be $15,838.80.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14477; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3518]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 7, 1951.

Inasmuch as The Socorro Electric Cooperative, Inc. has transferred certain of its properties and assets to Lea County Electric Cooperative, Inc., and Lea County Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of The Socorro Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1165, dated October 29, 1946, as amended by Administrative Order No. 2561, dated March 9, 1950, and Administrative Order No. 2716, dated May 25, 1950, by changing the project designation appearing therein as "New Mexico 20 Socorro (Arizona 18B Maricopa)" in the amount of $32,200.00 to read "New Mexico 20 Socorro (Arizona 18B Maricopa)" in the amount of $3,400.00 and "New Mexico 23 Lea (New Mexico 20 Socorro [Arizona 18B Maricopa])" in the amount of $28,800.00.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14478; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3519]

IOWA

LOAN ANNOUNCEMENT

NOVEMBER 7, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 33K Calhoun	$80,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14479; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3520]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 18M Meade	$475,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14480; Filed, Dec. 5, 1951; 8:51 a. m.]

[Administrative Order 3521]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 45P Osage	$535,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14481; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3522]

NEW MEXICO

LOAN ANNOUNCEMENT

NOVEMBER 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 11M Taos	$395,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14482; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3523]

MAINE

LOAN ANNOUNCEMENT

NOVEMBER 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of

the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maine 12K Washington	$10,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14483; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3524]

NEBRASKA

LOAN ANNOUNCEMENT

NOVEMBER 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 85G Holt	$690,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14484; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3525]

NEVADA

LOAN ANNOUNCEMENT

NOVEMBER 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nevada 4F Overton District Public	$38,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14485; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3526]

ARIZONA

LOAN ANNOUNCEMENT

NOVEMBER 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 21C Yavapai	$210,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14486; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3527]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 15, 1951.

I hereby amend:

(a) Administrative Order No. 210, dated March 9, 1938, by reducing the allocation of $10,000 therein made for "Minnesota 8059W1 Olmsted" by $100.60 so that the reduced allocation shall be $9,899.40.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14487; Filed, Dec. 5, 1951; 8:52 a. m.]

[Administrative Order 3528]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 47W Cooper	$480,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 51-14488; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order 3529]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 96M, N, Pickens	$230,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 51-14489; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order 3530]

MICHIGAN

LOAN ANNOUNCEMENT

NOVEMBER 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 42N Mason	$145,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-14490; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order 3531]

LOUISIANA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 20N Concordia	$375,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-14491; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order 3532]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 61S Coleman	$160,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-14492; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order T-81]

TENNESSEE

LOAN ANNOUNCEMENT

NOVEMBER 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
DeKalb Telephone Cooperative Tennessee 521-A	[1] $180,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14493; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order T-82]

FLORIDA

LOAN ANNOUNCEMENT

NOVEMBER 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Orange City Telephone Co., Inc., Florida 504-A	[1] $130,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14494; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order T-83]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Dickey Rural Telephone Mutual Aid Corp., North Dakota 519-A	$1,467,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14495; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order T-84]

INDIANA

LOAN ANNOUNCEMENT

NOVEMBER 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Yeoman Telephone Co., Indiana 523-A	[1] $104,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14496; Filed, Dec. 5, 1951; 8:53 a. m.]

[Administrative Order T-85]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Osceola Farmers Mutual Telephone Co., Wisconsin 522-A	$315,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-14497; Filed, Dec. 5, 1951; 8:54 a. m.]

[Administrative Order T-86]

MICHIGAN

LOAN ANNOUNCEMENT

NOVEMBER 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Traverse Bays Telephone Co., Michigan 509-A	$371,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 51-14498; Filed, Dec. 5, 1951; 8:54 a. m.]

DEPARTMENT OF COMMERCE

United States Weather Bureau

CLIMATOLOGICAL SERVICES DIVISION AND HYDROLOGIC SERVICES DIVISION

ORGANIZATION

Effective October 1, 1951, the Division of Climatological and Hydrologic Services, Washington, D. C., was reorganized into Climatological Services Division and Hydrologic Services Division.

All climatological functions will henceforth be under the Climatological Services Division and all hydrologic functions will be under the Hydrologic Services Division.

(5 U. S. C. 22)

[SEAL] F. W. REICHELDERFER, *Chief of Bureau.*

Approved:

CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51-14463; Filed, Dec. 5, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6391]

MONTANA POWER CO.

NOTICE OF APPLICATION

NOVEMBER 30, 1951.

Take notice that on November 28, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by the Montana Power Company, a corporation organized under the laws of the State of New Jersey, and doing business in the States of Montana, Idaho, and Wyoming, with its principal business office at Butte, Montana, seeking an order authorizing the issuance of $2,000,000 principal amount of Promissory Notes, due July 1, 1954. Said Notes will be issued under a Supplemental Loan Agreement with the Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania, and the National City Bank of New York, evidencing additional borrowings by Applicant from said banks. The rate of interest of said Notes will be 2¾ percent per annum; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 18th day of December 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-14443; Filed, Dec. 5, 1951; 8:45 a. m.]

[Docket Nos. G-1618, G-1840]

NORTHERN NATURAL GAS CO.

ORDER ACTING UPON PROCEDURAL MOTIONS AND CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

On November 21, 1951, Northern Natural Gas Company (Applicant) filed in Docket No. G-1618 a motion (1) requesting an order separating from the proceedings and hearings in progress in Docket No. G-1618 the question of allocation or distribution of any increased contract demands for natural gas which may be made available from any capacities which Applicant may be authorized in excess of 675 MMcf per day north of Kansas, and requesting that such allocation question or issue be considered in connection with changes proposed by Applicant to its FPC Gas Tariff, First Revised Volume No. 2, contained in a filing tendered to the Commission on October 29, 1951, and (2) requesting that the intermediate decision procedure be waived and omitted in Docket No. G-1618.

The parties to the G-1618 proceeding, pursuant to the Commission's direction, were afforded an opportunity, at the hearing session on November 27, 1951, in such proceeding, to make oral responses to Applicant's aforesaid motion and were also afforded an opportunity to supplement such oral responses by filing written statements.

On November 28, 1951, the Commission entered an order in Docket No. G-1840 allowing to take effect as of November 27, 1951, certain service agreements and tariff changes heretofore filed by Applicant relating to service to its gas utility customers when Applicant's capacity north of Kansas reaches 675 MMcf per day. This order also suspended proposed changes by Applicant in its FPC Gas Tariff, First Revised Volume No. 2,

contained in Third Revised Sheets Nos. 6 and 7, Second Revised Sheets Nos. 8, 9, 10, and 11, and Original Sheets Nos. 11a and 11b, and provided for a hearing, to be held upon a date to be set by further order of the Commission, concerning the lawfulness of such proposed tariff changes. Such proposed changes relate to future allocations of available capacity when Applicant's system capacity north of Kansas may possibly exceed 675 MMcf per day.

The responses made on November 27, 1951, to Applicant's aforesaid November 21, 1951, motion disclose a difference of positions by the respective participants in the G–1618 proceeding, some urging the granting and others urging the denial of Applicant's motion. As a part of such responses certain participants made, in effect, counter or supplemental motions. Intervener Minneapolis Gas Company moved for an order suspending Applicant's proposed changes in its FPC Gas Tariff and for an order consolidating hearings upon any such suspension with the hearing upon the application in Docket No. G–1618. Intervenor Minnesota Valley Natural Gas Company moved that the question of allocation of capacity that might be made available from the proposed G–1618 facilities to Applicant's existing customers and any participants in the G–1618 proceedings, together with any issue concerning Minnesota Valley's informal complaint (Docket No. IN–812) against Minneapolis Gas Company and the Applicant, be deferred until after hearing and determination of whether Applicant should be authorized to construct the proposed facilities. Applicant supplemented its motion to request a similar procedure.

Upon consideration of Applicant's aforesaid motion of November 21, 1951, the responses thereto, including the other motions made on the record in the hearing in Docket No. G–1618 on November 27, 1951, and of our findings and order entered November 28, 1951, in Docket No. G–1840, official notice of which is hereby taken, the Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for the action and procedure hereinafter ordered.

The Commission orders:

(A) Applicant's aforesaid motion of November 21, 1951, as supplemented, be and the same is hereby dismissed so far as waiver and omission of the intermediate decision procedure is requested, without prejudice to renewal of such request at the conclusion of the hearings, and in all other respects be and the same is hereby denied.

(B) Minnesota Valley Natural Gas Company's aforesaid motion of November 27, 1951, be and the same is hereby denied.

(C) Minneapolis Gas Company's aforesaid motion of November 27, 1951, be and the same is hereby dismissed so far as the request made in Docket No. G–1618 for suspension of certain changes proposed by Applicant in its FPC Gas Tariff, First Revised Volume No. 2, and in other respects be and the same is hereby granted to the extent provided hereinafter.

(D) The proceeding In the Matter of Northern Natural Gas Company, Docket No. G–1618, and the proceeding In the Matter of Northern Natural Gas Company, Docket No. G–1840, be and the same are hereby consolidated for purpose of hearing.

(E) The hearing provided for in paragraph (B) of the Commission's order entered November 28, 1951 In the Matter of Northern Natural Gas Company, Docket No. G–1840, shall commence on December 11, 1951, at 10 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C.

(F) Telegraphic notice shall be given and copies of this order shall be served as promptly as possible upon all gas utility customers of Applicant, in addition to service of the order upon all participants in Docket No. G–1618. Any of Applicant's gas utility customers desiring to intervene in the proceeding herein set for hearing to commence on December 11, 1951, shall file appropriate petitions to intervene with the Commission on or before December 10, 1951.

Date of issuance: November 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–14444; Filed, Dec. 5, 1951; 8:45 a. m.]

[Docket No. G–1697]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF ORAL ARGUMENT

NOVEMBER 28, 1951.

On November 1 and 21, 1951, Natural Gas Pipeline Company of America (Natural) filed motions requesting the Commission to lift suspension of Natural's FPC Gas Tariff, First Revised Volume No. 1, and for other relief. Natural also requested opportunity for oral argument before the Commission upon said motions.

On November 26, 1951, Counsel for the Staff of the Commission filed a motion requesting the Commission to dismiss the application of Natural for the increase in the rates and charges and changes in classifications contained in Natural's aforesaid FPC Gas Tariff, First Revised Volume No. 1 (issued October 12, 1951).

It appears that the granting by the Commission of either of the motions filed by Natural on November 1 and 21, 1951, or the motion of Counsel for the Staff of Commission filed on November 26, 1951, would involve or constitute a final determination of this proceeding.

Pursuant to the Commission's order issued October 10, 1951, the hearing in this proceeding commenced in Washington, D. C., on November 20, 1951, and was recessed on November 21, 1951, to a date to be fixed by further order of the Commission.

The Commission finds:

(1) It is reasonable and in the public interest that oral argument should be had before the Commission concerning the matters involved and the issues presented by the aforesaid motions of Natural and Counsel for the Staff of the Commission.

(2) The parties to this proceeding, including Counsel for the Staff of the Commission, should be afforded an opportunity to file briefs upon the matters involved and the issues presented by the aforesaid motions.

(3) The Presiding Examiner or, in the event of his absence, the Chief Presiding Examiner, should forthwith certify the record in this proceeding to the Commission for the purpose of deciding the aforesaid motions.

The Commission orders:

(A) Oral argument be had before the Commission on December 10, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid motions of Natural Gas Pipeline Company of America and Counsel for the Staff of the Commission.

(B) The parties to this proceeding, including Counsel for the Staff of the Commission, may file briefs with the Commission on or before December 10, 1951, concerning the matters involved and the issues presented by the aforesaid motions.

(C) All parties to these proceedings shall notify the Secretary of the Commission on or before December 5, 1951, with respect to the time they deem necessary for argument.

(D) The Presiding Examiner, or, in the event of his absence, the Chief Presiding Examiner, shall forthwith certify to the Commission the record in this proceeding.

Date of issuance: November 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–14445; Filed, Dec. 5, 1951; 8:45 a. m.]

[Docket No. G–1790]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1951.

On September 10, 1951, Southern Natural Gas Company (Southern), a Delaware corporation, having its principal place of business at Birmingham, Alabama, filed an application, as amended October 26, 1951, pursuant to section 7 of the Natural Gas Act.

Southern seeks a certificate of public convenience and necessity authorizing the construction and operation of approximately two miles of 12¾-inch pipeline as a loop of its existing Fairfield branch line, and approximately 700 feet of 8⅝ inch pipeline as a loop of its City of Fairfield border tap.

Southern's Fairfield branch line is utilized to deliver natural gas to direct industrial customers, and to the Alabama Gas Corporation (Alabama) for resale in the City of Fairfield, Alabama. The present capacity of said branch line is

approximately 59,000 Mcf per day, 35,000 Mcf of which is delivered to industrial customers of Southern and of Alabama, and the remaining 24,000 Mcf capacity is for distribution in the City of Fairfield.

The construction of the facilities, authority for which is herein sought, will increase the said branch line's capacity by 16,000 Mcf per day. This will enable Southern to increase delivery to Alabama at the City of Fairfield town border station by 7,200 Mcf per day, and will provide an excess capacity of 8,800 Mcf per day.

Due notice of the filing of the aforementioned application has been given, including publication in the FEDERAL REGISTER on September 20, 1951 (16 F. R. 9617).

Southern has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on December 10, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-14446; Filed, Dec. 5, 1951; 8:46 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

BALANCE OF CREDIT

In pursuance of the requirement contained in the Railroad Unemployment Insurance Act as amended by section 5 (a) of Public Law 744, 80th Congress, 2d Session (June 23, 1948), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1951, was $767,733,413.59.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 30th day of November 1951.

F. C. SQUIRE, *Acting Chairman.*

[SEAL] HORACE W. HARPER, *Member.*

By the Railroad Retirement Board.

LAWRENCE GARLAND, *Acting Secretary of the Board.*

[F. R. Doc. 51-14455; Filed, Dec. 5, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL NOTICE AND HEARING ORDER

NOVEMBER 30, 1951.

Eastern Utilities Associates ("EUA"), a registered holding company, on March 20, 1951, filed with the Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") an Amended Reorganization Plan ("Amended Plan No. 1") for it and its direct subsidiary companies, Brockton Edison Company ("Brockton"), Blackstone Valley Gas and Electric Company ("Blackstone"), and Fall River Electric Light Company ("Fall River"), and its indirect subsidiary company, Montaup Electric Company ("Montaup").

Amended Plan No. 1, which is summarized in Holding Company Act Release No. 10503, consisted of two parts designated as Step 2 (a) and Step 2 (b). In brief, Step 2 (a) provided for (1) the merger of Brockton, Fall River and Montaup into Eastern Edison Company, Inc. ("New Company"), and the acquisition by New Company of EUA's holdings of the common stock of Blackstone and of new bonds to be issued by Blackstone, and (2) the refinancing of the system by the issuance and sale by New Company of $28,000,000 principal amount of bonds and $12,500,000 par value of preferred stock and the borrowing by it from banks of $3,500,000 and, in connection with such refinancing, the payment of all system bank debt, and the redemption of all the outstanding bonds of Brockton and Fall River and the presently outstanding bonds and preferred stock of Blackstone. Step 2 (a) also made provision for the minority public holders of the common stocks of Brockton, Fall River, and Blackstone. Step 2 (b) provided for the allocation of New Company common stock between the common and convertible shareholders of EUA on such a basis as to accord a holder of each EUA common share 3½ times the amount accorded a holder of each EUA convertible share, and the transfer of EUA's remaining assets to New Company and the dissolution of EUA.

On April 16, 1951, the Commission issued its notice of filing of Amended Plan No. 1 and, pursuant to EUA's request, ordered the commencement of hearings solely on Step 2 (a) (Holding Company Act Release No. 10503). Hearings on Step 2 (a) were commenced on May 8, 1951, and were held from time to time thereafter.

On August 7, 1951, EUA filed Amended Reorganization Plan No. 2 ("Amended Plan No. 2") changing the provisions of Amended Plan No. 1 in several significant respects. Thus, instead of the retirement of all of the bonds and preferred stock of Blackstone, it is now proposed that all of the $3,500,000 par value of preferred stock and part ($4,333,000 principal amount) of the bonds of Blackstone will remain outstanding with consequent reduction in the amount of senior securities to be issued by New Company to $23,500,000 of bonds, $8,500,000 of preferred stock and $3,500,000 of bank borrowings.

In addition to provision for the redemption of all the outstanding bonds of Brockton and Fall River at their regular redemption prices as initially proposed in Amended Plan No. 1, an alternative method for retiring these bonds is now set forth. It is provided that before electing to use such alternative method, EUA shall give written notice to this Commission of its intention to pursue the alternative course and its reasons therefor, accompanied by the form of the principal documents involved, and that if this Commission, within five days after receiving such notice, notifies EUA in writing that it objects to such action, EUA will not proceed with the alternative method unless this Commission shall, with or without hearing, have approved the same. The alternative method provides for the redemption of the bonds of Blackstone and Brockton, respectively, by the payment to the holders thereof of the "Sinking Fund Redemption Price" and the "Special Redemption Price" as provided in their respective indentures and the delivery to such holders of certificates of contingent interest. Such certificates will entitle the holders thereof to receive such additional payment, if any (not exceeding the difference between the "Regular Redemption Price" and the "Sinking Fund Redemption Price" or the "Special Redemption Price," as the case may be), and such compensation for delay in the payment thereof, as shall be determined subsequently by the Commission.

Amended Plan No. 2 also provides for increasing the participation to be accorded each share of publicly held common stock of Blackstone to $115 in cash or, in the alternative, to 5.4 shares of New Company common stock. Amended Plan No. 2 also contains provisions for cumulative voting in connection with the nomination and election of the initial board of directors following the distribution of New Company common stock. No change has been made in the proposed allocation of New Company common stock as between EUA's common and convertible shareholders.

By order dated August 8, 1951, the Commission denied the motion of the Cromwell Committee, a protective committee representing EUA common shareholders, to consolidate for hearing and disposition the issues presented by Steps 2 (a) and 2 (b). In such order the

Commission stated that after the conclusion of hearings on Step 2 (a), hearings should go forward promptly with respect to Step 2 (b). Thereafter, further hearings were held on Step 2 (a) and such hearings were then continued to October 29, 1951.

On October 24, 1951, the Commission, by minute, determined in the light of the then existing record and circumstances, that it no longer appeared to be expeditious to continue separate consideration and decision of the issues presented by Steps 2 (a) and 2 (b) and that, as it then viewed the matter, it would consider and dispose of such issues simultaneously by a single order. By such minute the Commission also determined that the hearing officer be directed to receive, at the continued hearing on October 29, 1951, the company's evidence on both Steps 2 (a) and 2 (b) and should thereafter, within a reasonable time, permit cross-examination on both Steps 2 (a) and 2 (b) and receive evidence presented by the participants with respect to both of such Steps.

At the continued hearings which commenced on October 29, 1951, EUA substantially completed the presentation of its evidence in support of all aspects of Amended Plan No. 2, after which the hearing was continued to December 10, 1951.

It appearing to the Commission that a hearing should be held on December 17, 1951, instead of December 10, 1951, and that notice should be given of the procedure ordered to be followed and of the issues now presented for determination as reported to the Commission by the Division of Public Utilities based upon the record to date, which issues are as follows:

(1) Whether Amended Plan No. 2, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether Amended Plan No. 2, as submitted or as it may hereafter be modified, is fair and equitable to the holders of the outstanding securities of EUA, Brockton Edison Company, Fall River Electric Light Company, Blackstone Valley Gas and Electric Company, and Montaup Electric Company and to all other persons who may be affected thereby;

(3) Whether the terms and provisions relating to the securities proposed to be issued by New Company are consistent with the public interest and the interest of investors and consumers and with the applicable standards of the act and particularly whether such securities are reasonably adapted to the security structure of New Company and its proposed subsidiary company, Blackstone Valley Gas and Electric Company;

(4) Whether the proposed acquisitions and dispositions of securities and assets meet the standards of the act, particularly sections 10 and 12 thereof;

(5) Whether the transactions proposed in Amended Plan No. 2, as submitted or as it may hereafter be modified, in all respects comply with the applicable provisions of the act and the rules promulgated thereunder and whether such transactions are fair and equitable to all persons affected thereby and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

(6) Whether the accounting entries in connection with Amended Plan No. 2, as submitted or as it may hereafter be modified, are appropriate and in accordance with sound accounting practice; and

(7) What terms and conditions, if any, should be contained in the Commission's order with respect to Amended Plan No. 2, as submitted or as it may hereafter be modified.

It is ordered, That the hearing in this matter previously scheduled for December 10, 1951 at 11:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., be, and it hereby is, postponed to December 17, 1951, at the same time and place and before the same hearing officer as heretofore designated. Any person, other than those who previously have been granted the right to participate in this proceeding, who desires to be heard in connection therewith or proposes to intervene in this proceeding, should file, on or before December 14, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That attention shall be directed at said hearing to the foregoing matters and questions specified above.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, whether for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall mail a copy of this notice and order by registered mail to Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Montaup Electric Company, The Massachusetts Department of Public Utilities, The Public Utility Administrator of Rhode Island, The Federal Power Commission and all parties and persons who have been permitted to participate in the hearings and that notice be given to all other interested persons by general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Eastern Utilities Associates shall mail a copy of this notice and order to all of its stockholders of record, to all stockholders of record of Blackstone Valley Gas and Electric Company, Brockton Edison Company and Fall River Electric Light Company and to all known note holders or bondholders of EUA and its subsidiary companies at least 10 days prior to December 17, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14447; Filed, Dec. 5, 1951; 8:46 a. m.]

[File No. 70-2548]

CENTRAL LOUISIANA ELECTRIC CO., INC.

MEMORANDUM OPINION AND ORDER APPROVING ACQUISITION OF MINORITY INTEREST IN SUBSIDIARY PUBLIC UTILITY COMPANY AND MERGER INTO PARENT

NOVEMBER 30, 1951.

Central Louisiana Electric Company, Inc. ("Central Louisiana") an exempt holding company owning 98.16 percent of the outstanding common stock of Gulf Public Service Company, Inc. ("Gulf") proposes to merge that company into itself and in conjunction therewith to make an offer to the minority stockholders of Gulf of 1/25 of a share of 4.5 percent preferred stock and 1/10 of a share of common stock of Central Louisiana in exchange for each share of Gulf common stock. The present proposal is contained in an amendment to the application of Central Louisiana filed January 5, 1951, under the provisions of sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") pursuant to which we approved the acquisition by Central Louisiana of its present holdings of Gulf's common stock by means of a similar offer.[1]

Central Louisiana and its two subsidiaries, Gulf and Louisiana Rural Electric Corporation, are public utility companies organized in and doing business wholly within the State of Louisiana.[2] Central Louisiana has claimed exemption since November 3, 1950, as a holding company pursuant to the provisions of Rule U-2 of the general rules and regulations under the act which provides for the exemption of a holding company and its subsidiaries as such, if they satisfy the requirements of the rule, from all of the provisions of the act and the rules thereunder except section 9 (a) (2) and Rule U-6.

The exchange offer authorized by our order of March 8, 1951, required the acceptance by 80 percent or more of the stockholders of Gulf to become effective and, under Louisiana law, if the offer was accepted by 80 percent or more of the holders of the common stock of Gulf, any minority stockholders of Gulf would have no right of appraisal in the event of a subsequent merger of Gulf into Central Louisiana. Central Louisiana stated in its application that it contemplated the ultimate merger of Gulf into Central Louisiana and the refunding of Gulf's debt under Central Louisiana's indentures. In order to insure that any minority interest in the Gulf stock, which might amount to as much as 20 percent, would be only temporary and to afford proper protection of such minority interest outstanding prior to or at the time of the merger of Gulf into Central Louisiana, we reserved jurisdiction over the contemplated merger and transactions in conjunction therewith and reserved the right, pursuant to Rules U-2 and U-6 to reexamine the exempt status of Central Louisiana. To

[1] Holding Company Act Release No. 10430 (March 8, 1951).

[2] Gulf is classified as a "public utility" company under the Federal Power Act.

this end we conditioned our order pursuant to section 10 (e) of the act to require Central Louisiana to give at least 60 days notice of any proposed merger or consolidation of Gulf and Central Louisiana, and unless and until Central Louisiana ceased to be a holding company with respect to Gulf, at least 40 days notice of any proposed transaction by either company which would, apart from the exemption provided by Rule U-2, require the filing of a declaration or application pursuant to sections 6 (a) and 6 (b) of the act.

Central Louisiana requests that we enter an order authorizing the proposed merger, terminating the conditions contained in our order of March 8, 1951, and waiving the 40-day notice with respect to the issuance of securities in conjunction with the proposed merger.

An Agreement of Merger, approved and signed by the Boards of Directors of Central Louisiana and Gulf on October 11, 1951, provides for the transfer of all of the properties and assets of Gulf to Central Louisiana and for the offer of Central Louisiana preferred and common stocks to Gulf's public stockholders. The agreement was submitted to the stockholders of the two companies on November 15, 1951, at special meetings held for that purpose and the holders of approximately 90 percent of Central Louisiana's preferred and common stocks and, in addition to the 98.16 percent of Gulf stock held by Central Louisiana, the holders of approximately one-half of the publicly held common stock of Gulf voted in favor of the merger.

Contemporaneously with the merger of the two companies, Central Louisiana proposes to issue $5,804,000 principal amount of First Mortgage Bonds, 3¾ percent, due October 1, 1976, and $1,995,000 principal amount of 4 percent Sinking Fund Debentures, due November 1, 1971, in exchange for and satisfaction of the $5,804,000 principal amount of 3⅜ percent bonds and $1,995,000 principal amount of 3⅝ percent debentures of Gulf presently outstanding, all of which are held by institutional investors. The bonds and debentures will have substantially the same terms and conditions as the securities for which they are to be exchanged and the indentures under which they are to be issued will also contain a dividend restriction conforming to that in the indenture securing Central Louisiana's presently outstanding bonds.

Gulf will pay a special dividend to its stockholders, other than Central Louisiana, in order to coordinate the payment of such dividends with dividend payments on the preferred and common stocks of Central Louisiana which they will receive.

Central Louisiana further states that it contemplates the sale for cash, as soon as practicable after the merger, of an additional $2,980,000 principal amount of debentures and proposes to use the proceeds thereof to repay $1,500,000 of presently outstanding bank loans of Gulf and Central Louisiana and for construction now in progress or planned. Central Louisiana also states it presently contemplates the sale of an additional $1,500,000 of common stock early in 1952.

In our Findings and Opinion of March 8, 1951, we found that "* * * it would clearly be desirable thereafter to effectuate a fair merger, in order to obviate the problems created by the minority stock interest with no effective voting rights." Although we made no adverse findings at that time under section 10 (b), we are of the opinion that it is our duty, at this time, particularly since the minority stockholders of Gulf have no right of valuation of their interests, to consider the terms of the merger as a means of terminating the minority interest and to determine whether the treatment to be accorded the minority holders constitutes a fair and reasonable offer,[3] accordingly we hereby direct that the transactions proposed in the amendment to Central Louisiana's application be consummated only in accordance with our order herein.

The receipt by an exchange agent of the Gulf common stock in exchange for securities of Central Louisiana constitutes an indirect acquisition of such stock by Central Louisiana and must, therefore, be considered in the light of the standards of section 10 of the act. Furthermore, as a transaction between affiliated public-utility companies, not otherwise unlawful under the act, the merger of Gulf and Central Louisiana is subject to such order or orders as we may issue under section 12 (g) of the act.

We have previously found that the acquisition by Central Louisiana of common stock of Gulf satisfies the requirements of sections 10 (c) and 10 (b) (1) and (2) and the proposed merger, which will serve to bring the properties and businesses of Gulf and Central Louisiana under the ownership of a single corporate entity, will be in furtherance of the objectives of these provisions of the act.

Our primary concern now is with the question of the fairness of the treatment to be accorded to the minority stockholders of Gulf as measured against the standards of section 10 (b) (3) which provides that we shall not approve a proposed acquisition if we find that it will be detrimental to the public interest or the interest of investors or consumers. Whereas, here, the minority stockholders of Gulf have no alternative to acceptance of the offer proposed to be made to them and we must closely scrutinize the terms of the merger in order to be fully satisfied that the securities to be received by the minority stockholders of Gulf represent fair and reasonable compensation for the interests which they will surrender.

The stockholders of Gulf will be surrendering a share of common stock representing an aggregate equity of 34.6 percent of total capitalization and surplus of Gulf for a pro rata share in the preferred and common stocks of Central Louisiana which, together, on a pro forma basis as of September 30, 1951, will represent 36.8 percent of total capitalization and surplus of the surviving company. If the issuance of $2,980,000 of debentures for new money is taken into account, the ratio of capital stock equity to total capitalization and surplus will be 34.2 percent.

The book earnings of the Gulf common stock for the 12 months ended September 30, 1951, were $1.30 per share. The pro forma earnings, as of September 30, 1951, applicable to the Central Louisiana securities for which each share of Gulf stock is exchangeable are equivalent to $1.31 per share before the sale of the $2,980,000 of debentures for new money and $1.25 per share following the sale of such debentures. While acceptance of the offer results in a slight reduction in earnings per share applicable to the Gulf minority stockholders, based on the present annual dividend rate of $1.80 per share on the Central Louisiana common stock, they will receive 90 cents on the securities to be received in exchange for each share of Gulf stock on which dividends of 80 cents were paid in 1950, which represents an increase of 12.5 percent.

No fractional shares of stock will be issued in connection with the exchange offer, but in lieu thereof, Certificates of Interest, representing claims to fractional shares will be issued. Such certificates, when combined with other like certificates, may be exchanged for whole shares at any time prior to June 30, 1953. As soon as practicable after that date, the depository will sell the shares of preferred and common stocks of Central Louisiana applicable to unsurrendered Certificates of Interest and will remit the proceeds thereof to the holders of such certificates upon surrender thereof. Holders of Certificates of Interest who have not so surrendered their certificates on or before June 30, 1955, will be conclusively presumed to have abandoned all claims thereto and the cash allocable to such certificates will be delivered to and become the property of Central Louisiana.

The depositary will hold all other unclaimed certificates for full shares of the preferred and common stocks of Central Louisiana available for exchange for Gulf stock until June 30, 1953. On that date the depositary will determine the number of full shares of Central Louisiana stock and the aggregate of the fractional interests, and will sell the Central Louisiana stock representing the aggregate of the fractional interests. Gulf stock may be surrendered for whole shares of Central Louisiana stock, accrued dividends and the pro rata share of cash allocable to the fractional interests on or before June 30, 1965, after which date the holders will be presumed to have abandoned all claims thereto and the shares of Central Louisiana stock and all cash allocable to the Gulf stock will be paid to Central Louisiana as its property.

We have examined the form of notice to be sent to Gulf stockholders by registered mail advising them of their rights upon consummation of the proposed merger and we believe it is adequate.[4]

[3] Cf., New England Electric System, Holding Company Act Release No. 10370 (January 31, 1951) at page 3.

[4] The company advises us that all dividend checks mailed in ordinary course to Gulf stockholders have been cashed.

However, in order to insure the complete exchange of the publicly-held common stock of Gulf at the earliest practicable date, we shall require Central Louisiana to report to us at the end of 60 days from the date of this order the number of unexchanged shares of Gulf common stock and to take such steps as we shall direct with respect thereto.

Under all of the circumstances set forth above, we are of the opinion that the merger of Gulf into Central Louisiana and the exchange offers to be made to the public holders of Gulf's common stock and to the holders of Gulf's mortgage bonds and debentures are fair and reasonable and appropriate in the public interest and in the interest of investors and consumers. We deem it unnecessary to pass upon the securities proposed to be issued in conjunction with the merger pursuant to the provisions of section 6 and 7 of the act and believe that none of the proposed transactions adversely affect the exempt status of Central Louisiana under Rule U-2. Accordingly, we will grant the joint application of Central Louisiana and Gulf, as amended, subject to the terms and conditions which we shall impose, and we hereby expressly waive the requirement of 40 days notice with respect to the preferred and common stocks, the First Mortgage Bonds and the $1,995,000 principal amount of debentures which Central Louisiana proposes to issue in conjunction with the merger.

It is ordered, Pursuant to the provisions of sections 9 (a) (2), 10 and 12 (g), that the joint application of Central Louisiana Electric Company, Inc. and of Gulf Public Service Co., Inc., proposing the merger of Gulf into Central Louisiana, be, and the same hereby is, granted forthwith, subject to the conditions contained in Rule U-24 and the following additional terms and conditions:

Central Louisiana shall, at the end of 60 days from the date hereof, report to this Commission the number of outstanding shares of Gulf common stock not presented for exchange, and shall, thereafter, take such further steps as we shall direct with respect to any such unexchanged shares.

It is further ordered, That upon consummation of the merger of Gulf into Central Louisiana and the filing herein of the certificate required by Rule U-24 (a), the conditions contained in our Order of March 8, 1951, shall terminate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14448; Filed, Dec. 5, 1951; 8:47 a. m.]

[File No. 70-2581]

UNITED GAS IMPROVEMENT CO. AND CONSUMERS GAS CO.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME IN WHICH PARENT IS AUTHORIZED TO MAKE OPEN BOOK ACCOUNT ADVANCE TO SUBSIDIARY

NOVEMBER 30, 1951.

The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiary, Consumers Gas Company ("Consumers"), having filed a joint declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 with respect to an open book account advance of $900,000 from UGI to Consumers to be made from time to time on or before December 31, 1951, such advance being for the purpose of temporarily financing the construction program of Consumers; and the Commission having permitted such declaration to become effective by order dated March 14, 1951; and

Declarants having requested that the Commission grant an extension to December 31, 1952, in which to consummate the transaction proposed by the declaration since Consumers' construction program has not progressed as rapidly as originally anticipated, due to shortages of materials and other restrictions, and UGI having advanced only $400,000 to Consumers to date; and

The Commission having considered the request and deeming it appropriate in the public interest and in the interest of investors and consumers that the time within which said advances may be made be extended to December 31, 1952:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the time within which said advances may be made be extended to December 31, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14450; Filed, Dec. 5, 1951; 8:47 a. m.]

[File No. 70-2738]

CAMBRIDGE ELECTRIC CO.

NOTICE OF PROPOSED SALE BY SUBSIDIARY COMPANY OF PROMISSORY NOTE

NOVEMBER 30, 1951.

Notice is hereby given that Cambridge Electric Company ("Cambridge Electric"), a subsidiary company of New England Gas and Electric Association, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated section 6 (b) of the act and Rule U-50 (a) (2) and U-50 (a) (4) promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Cambridge Electric proposes to issue and sell to The First National Bank of Boston its promissory note in a principal amount not to exceed $500,000, bearing interest at the rate of 3 percent per annum and maturing not later than 18 months after the date of issuance. Cambridge Electric will use the proceeds of the proposed note issuance and sale to reimburse, in part, its plant replacement fund.

The filing states that no Federal commission, other than this Commission, and no State commission, other than the Department of Public Utilities of Massachusetts, which has issued an order approving the proposed note sale, has jurisdiction over the proposed transaction, and that the total expenses in connection with the proposed transaction are estimated at $500, including a legal fee of $50.

Notice is further given that any interested person may, not later than December 12, 1951 at 5:30 p. m., e. s. t., request in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 12, 1951, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14449; Filed, Dec. 5, 1951; 8:47 a. m.]

[File No. 70-2754]

DUVAL SULPHUR & POTASH CO.

NOTICE REGARDING BORROWING FROM A CERTAIN BANK AND ACQUISITION FOR CANCELLATION OF COMPANY'S OWN PROMISSORY NOTES

NOVEMBER 30, 1951.

Notice is hereby given that Duval Sulphur & Potash Company ("Duval"), a non-utility subsidiary of United Gas Corporation, which in turn is a gas utility subsidiary company of Electric Bond and Share Company, a registered holding company, has filed an application-declaration pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-42 (b) (2) promulgated under the act.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a full statement of the proposed transactions which are summarized as follows:

Pursuant to a loan agreement with The First National Bank of Boston ("Bank") dated January 31, 1950, Duval borrowed an aggregate of $2,500,000 for which it issued promissory notes in the same aggregate principal amount bearing interest at the rate of 2¾ percent per annum and maturing on January 1, 1958. Duval was obligated to pay quarterly on the principal of the said notes the sum of $125,000 commencing April 1, 1953.

Duval now proposes to enter into a loan agreement with the Bank which will supersede the above-mentioned loan agreement providing, among other things, for an initial aggregate borrowing of $3,500,000 to be evidenced by Duval's promissory note, bearing interest at the rate of 3 percent per annum and maturing on January 1, 1960. Commenc-

ing April 1, 1953, the sum of $125,000 is to be due and payable quarterly on the principal of said note. The proposed loan agreement further provides that the Bank will make available to Duval the additional sum of $500,000 at 3 percent interest, for a period of one year, the commitment fee, payable quarterly, to be ⅛ of 1 percent of the average daily amount of the portion of the commitment unused during the preceding three months' period. Under said proposed loan agreement, the Bank will surrender to Duval for cancellation Duval's notes presently held by such Bank in the aggregate principal amount of $2,500,000 and loan $1,000,000 in cash against the issuance and delivery by Duval of its note in the principal amount of $3,500,000.

It is stated that the proceeds from the proposed Bank loan will be used to complete construction of mining and milling facilities for the mining and processing of potash from properties of Duval located in Eddy County, New Mexico, estimated to cost a total of $8,206,000. The stand-by commitment of $500,000 will be used by Duval, if required, to replenish its working capital.

The application-declaration requests that the Commission's Order herein issue as promptly as may be practicable and that such Order become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than December 14, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 14, 1951, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14451; Filed, Dec. 5, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26600]

WATER, CORN STEEP FROM INDIANAPOLIS, IND., TO PEORIA, ILL.

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4233, pursuant to fourth-section order No. 9800.

Commodities involved: Water, corn steep, liquid, carloads.

From: Indianapolis, Ind.

To: Peoria, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14456; Filed, Dec. 5, 1951; 8:48 a. m.]

[4th Sec. Application 26601]

CORN SYRUP FROM POINTS IN WESTERN TRUNK LINE TERRITORY TO DADE CITY AND HIGHLANDS CITY, FLA.

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3589, pursuant to fourth-section order No. 9800.

Commodities involved: Corn syrup, carloads.

From: Specified points in western trunk-line territory.

To: Dade City and Highlands City, Fla.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14457; Filed, Dec. 5, 1951; 8:48 a. m.]

[4th Sec. Application 26602]

SAWDUST FROM MEMPHIS, TENN., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Gulf, Mobile and Ohio Railroad Company and other carriers.

Commodities involved: Sawdust, green, carloads.

From: Memphis, Tenn.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 708, Supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14458; Filed, Dec. 5, 1951; 8:48 a. m.]

[4th Sec. Application 26603]

CAST IRON PIPE IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1191.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Producing points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia.

To: Points in southern territory, including Virginia and West Virginia.

Grounds for relief: To maintain grouping and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1191, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14459; Filed, Dec. 5, 1951; 8:48 a. m.]

[4th Sec. Application 26604]

MERCHANDISE IN MIXED CARLOADS TO AND FROM POINTS IN THE SOUTH, OHIO, MISSOURI, AND ILLINOIS

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073 and Agent R. G. Raasch's tariff I. C. C. No. 639.

Commodities involved: Merchandise in mixed carloads.

Between: Specified points in southern terrtory, on the one hand, and Cincinnati, Ohio, St. Louis, Mo., East St. Louis, Ill., and Chicago, Ill., and points grouped therewith, on the other.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 69; R. G. Raasch's tariff I. C. C. No. 639, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14460; Filed, Dec. 5, 1951; 8:49 a. m.]

[4th Sec. Application 26605]

PETROLEUM PRODUCTS FROM FLUOR, OKLA., TO POINTS IN ILLINOIS, OFFICIAL, SOUTHERN, SOUTHWESTERN, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariffs listed on the attached sheet.

Commodities involved: Petroleum and its products, carloads.

From: Fluor, Okla.

To: Points in Illinois, official, southern, southwestern, and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
Agent F. C. Kratzmeir's	3585	484
	3821	86
	3802	102
	3825	116
	3651	274
	3724	142
	3723	152
	3494	235

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14461; Filed, Dec. 5, 1951; 8:49 a. m.]

[4th Sec. Application 26606]

SULPHUR PASTE FROM POINTS IN TEXAS AND LOUISIANA TO POINTS IN SOUTHERN TERRITORY, OKLAHOMA, TEXAS, AND COLORADO

APPLICATION FOR RELIEF

DECEMBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3862 and 3988.

Commodities involved: Sulphur paste, carloads.

From: Points in Texas and Louisiana.

To: Points in southern territory, Oklahoma, Texas, and Colorado.

Grounds for relief: Competition with rail carriers, circuitous routes, and analogous commodity.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3862, Supp. 121; F. C. Kratzmeir's tariff I. C. C. No. 3988, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14462; Filed, Dec. 5, 1951; 8:49 a. m.]